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1	kids?	10:01:33
2	A. I don't recall any description.	10:01:33
3	Q. Did they say where the assault	10:01:35
4	had occurred in Central Park?	10:01:38
5	MS. DAITZ: Objection to form.	10:01:40
6	A. No, sir.	10:01:41
7	Q. Was there an occasion whether	10:01:43
8	the assault had occurred by 72nd Street?	10:01:48
9	MS. DAITZ: Objection to form.	10:01:53
10	A. I just testified that that	10:01:54
11	wasn't mentioned.	10:01:56
12	Q. And was there a description of	10:01:56
13	the person, the person, the female jogger	10:02:07
14	who had been attacked or the one who was	10:02:11
15	likely to die, was there any description	10:02:14
16	of her?	10:02:17
17	A. No, sir.	10:02:17
18	Q. Did you ask?	10:02:17
19	A. I asked to be briefed on the	10:02:18
20	case.	10:02:22
21	Q. Whom did you ask?	10:02:23
22	A. I asked Inspector James Power.	10:02:25
23	Q. And what did Inspector Power say	10:02:30
24	to you?	10:02:33
25	A. He said he was too busy at the	10:02:33

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NYCLD_044003

P-APP000832

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1 time to brief me. 10:02:36

2 Q. Was that a normal procedure in 10:02:37

3 your experience as a detective? 10:02:39

4 A. Certainly in my experience as a 10:02:40

5 detective, I'm just coming in, I see this 10:02:43

6 large group of detectives, I certainly 10:02:45

7 want to be brought up to speed on what's 10:02:48

8 going on. 10:02:50

9 Q. And so your expectation would be 10:02:51

10 that you would be briefed before you would 10:02:53

11 be sent anyplace? 10:02:55

12 A. Yes, sir. 10:02:57

13 Q. And that didn't happen? 10:02:57

14 A. No, sir. 10:02:58

15 Q. Did you ask any of the other 10:02:59

16 detectives -- 10:03:01

17 MR. WAREHAM: Withdrawn. 10:03:03

18 Q. When you arrived there, there 10:03:04

19 were other detectives there, you said? 10:03:05

20 A. Yes, sir, a lot. 10:03:08

21 Q. Mainly from Manhattan North? 10:03:09

22 A. Yes, sir. 10:03:11

23 Q. And did you ask any of them 10:03:11

24 after Power, Inspector Power, is it 10:03:16

25 inspector? 10:03:19

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NYCLD_044004

P-APP000833

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1 A. I mean, it would have been nicer 10:04:34
2 if I would have gotten an exact 10:04:38
3 description, but quite often that's not 10:04:41
4 the case. 10:04:43

5 Q. And as a -- would that be -- 10:04:44
6 would you consider that search for a pipe 10:04:50
7 a routine assignment for a detective from 10:04:53
8 Manhattan North Homicide? 10:04:55

9 MS. DAITZ: Objection. 10:04:57

10 A. I don't know. I mean, as a 10:04:58
11 detective, you're part of the New York 10:05:03
12 City Police Department which is a 10:05:06
13 paramilitary organization, and you take 10:05:07
14 orders and you obey orders, and you take 10:05:10
15 assignments and you perform your 10:05:12
16 assignments. I mean, this was my 10:05:14
17 assignment, and that's what I did. 10:05:16

18 Q. Understanding the paramilitary 10:05:18
19 nature, what you said was the paramilitary 10:05:27
20 nature of the New York City Police 10:05:31
21 Department, notwithstanding that, what was 10:05:33
22 your reaction to being given that 10:05:36
23 assignment? 10:05:37

24 MS. DAITZ: Objection. 10:05:38

25 A. I don't recall having a reaction 10:05:39

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NYCLD_044006

P-APP000835

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1 at all, sir. 10:05:40

2 Q. Do you think it was a useful, 10:05:41

3 efficient use of your skills? 10:05:45

4 MS. DAITZ: Objection. 10:05:49

5 A. Well, certainly the recovery of 10:05:50

6 a weapon used in an assault would be 10:05:53

7 useful to the investigation. 10:05:56

8 Q. So you, Detective Jonza and 10:06:00

9 Detective Hall went along with how many 10:06:03

10 other people? 10:06:04

11 A. A group of, I'm approximating 10:06:05

12 now because it's been so long, four or 10:06:09

13 five uniformed officers in a marked van, 10:06:13

14 and we separately in an unmarked car. 10:06:17

15 Q. And so you went to the area you 10:06:19

16 indicated? 10:06:22

17 A. Yes, sir. 10:06:22

18 Q. And then what happened? 10:06:22

19 A. To the best of my recollection, 10:06:23

20 we kind of split up. I think some, the 10:06:30

21 uniformed cops might have gone up towards 10:06:33

22 100th Street, some stayed with us at 97th 10:06:37

23 Street. 10:06:37

24 We climbed over the wall, and we 10:06:41

25 walked along on the inside of the wall 10:06:43

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NYCLD_044007

P-APP000836

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1 looking to see if there was a pipe. 10:06:46

2 Q. You, Detective Jonza and Hall 10:06:48

3 rode together over to that area? 10:06:54

4 A. Yes, sir. 10:06:56

5 Q. What is D4? 10:06:56

6 MS. DAITZ: Objection. 10:07:03

7 Q. D4? 10:07:04

8 A. I have no idea. 10:07:05

9 Q. Yesterday there was some 10:07:07

10 testimony around you went to D4. Do you 10:07:10

11 know, is that a geographical location? 10:07:12

12 A. I have no idea what D4 refers 10:07:15

13 to. 10:07:17

14 Q. On your way to the location, did 10:07:17

15 you and Detective Jonza and Hall have a 10:07:20

16 discussion around what's going on? 10:07:24

17 A. I'm sure we had some kind of a 10:07:26

18 discussion, but I don't recall exactly 10:07:29

19 what we said. 10:07:31

20 Q. Did you know whether you asked 10:07:33

21 them had they found out what was happening 10:07:35

22 with this case? 10:07:37

23 A. My assumption was that they 10:07:39

24 didn't because they were standing next to 10:07:42

25 me when I asked Power. 10:07:44

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NYCLD_044008

P-APP000837

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1 Q. Was there any, if you remember, 10:07:46
2 was there any discussion around there 10:07:49
3 certainly are a lot of people involved 10:07:52
4 with this, a lot of members of service 10:07:57
5 involved with this case at this point? 10:07:59

6 MS. DAITZ: Objection. 10:08:02

7 A. Once again, I don't remember any 10:08:02
8 specific conversation about that. 10:08:05

9 Q. How long did you spend searching 10:08:06
10 for the pipe? 10:08:14

11 A. Not long. As long as it would 10:08:14
12 take you to walk the length, I guess, 10:08:19
13 examine, look, a half hour maybe. 10:08:24

14 Q. And during that time, were you 10:08:30
15 in communication with your fellow 10:08:35
16 officers? 10:08:38

17 MS. DAITZ: Objection. 10:08:40

18 A. I don't know what you mean by 10:08:40
19 communication. We probably had some 10:08:43
20 conversation as we walked along the park, 10:08:45
21 yeah. 10:08:47

22 Q. Was there any further discussion 10:08:48
23 around, you know, what is this case about? 10:08:50

24 A. It's a long time ago. I can't 10:08:54
25 remember any specific conversations. 10:08:57

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NYCLD_044009

P-APP000838

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1 Q. At the point when -- you said 10:08:58
2 you think it was about a half an hour? 10:09:16

3 A. It's an approximation on my 10:09:19
4 part, yes. I'm not certain. I mean, we 10:09:21
5 didn't spend hours there, let's put it 10:09:25
6 that way. 10:09:31

7 Q. Do you remember approximately 10:09:31
8 what time it was that you arrived at the 10:10:23
9 Central Park Precinct when you first came 10:10:30
10 from the 25th? 10:10:32

11 A. I'd have to give you an 10:10:33
12 approximate time. I'd say maybe 4:30 or 10:10:35
13 something like that. 10:10:40

14 Q. And how soon after that did you 10:10:41
15 leave to go to 97th Street? 10:10:44

16 A. Fairly soon. 10:10:47

17 Q. Five minutes, ten minutes, 15 10:10:50
18 minutes? 10:10:52

19 A. Maybe 15 minutes. 10:10:53

20 Q. And you said you spent 10:10:54
21 approximately a half an hour or more 10:10:59
22 searching for it. After you finished 10:11:02
23 searching, did you find anything, did you 10:11:04
24 find the pipe? 10:11:06

25 A. No, we didn't. 10:11:07

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NYCLD_044010

P-APP000839

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1 Q. What did you do after that? 10:11:09

2 A. Myself, Detective Jonza, 10:11:12

3 Detective Hall got back in our car, and we 10:11:19

4 returned to the Central Park Precinct. 10:11:23

5 Q. And when you returned, were 10:11:29

6 there any more -- was there any activity 10:11:31

7 outside of the precinct? 10:11:33

8 A. Yes. 10:11:35

9 Q. What, please describe what you 10:11:36

10 saw. 10:11:40

11 A. Members of the media had begun 10:11:41

12 to gather in the parking lot. I think I 10:11:45

13 saw one or two news trucks, that's how I 10:11:49

14 knew there was media. 10:11:53

15 Q. Were you familiar with any of 10:11:54

16 the media members that you saw there? 10:11:56

17 A. I can't say as I, going back all 10:11:58

18 those years, I may have seen someone I 10:12:07

19 recognized from the local news. Sitting 10:12:10

20 here today, I can't be exact. 10:12:12

21 Q. Would it be fair to say that you 10:12:13

22 were a well-known member of the service to 10:12:15

23 the local news due to your work in prior 10:12:21

24 cases? 10:12:27

25 MS. DAITZ: Objection. 10:12:27

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NYCLD_044011

P-APP000840

1 A. Some of my prior cases generated 10:12:29
2 media attention, if that's what you're 10:12:33
3 referring to. 10:12:35
4 Q. Right. But that they knew, the 10:12:36
5 media knew you, Detective Michael Sheehan, 10:12:39
6 as a key person in those prior cases? 10:12:42
7 MS. DAITZ: Objection. 10:12:45
8 A. I don't know what my perception 10:12:46
9 was at the time by the media. I mean, 10:12:49
10 they perhaps saw me testify or perhaps 10:12:54
11 they saw me involved in another case, I 10:12:57
12 don't know. 10:13:00
13 Q. For example, in the Chambers, 10:13:00
14 during the Chambers case -- 10:13:02
15 A. Yes, sir. 10:13:04
16 Q. -- did you do media interviews? 10:13:05
17 A. During the case? 10:13:07
18 Q. Yes. 10:13:08
19 A. I don't believe I did, no, sir. 10:13:09
20 Q. Following the case, did you, did 10:13:11
21 you conduct media interviews? 10:13:15
22 A. I may have, yes. I do recall 10:13:17
23 one, yes, I think so. 10:13:21
24 Q. You were interviewed once 10:13:24
25 following the Chambers case? 10:13:28

1 A. One that I remember. I don't 10:13:30
2 know if there perhaps could have been more 10:13:32
3 than one. 10:13:35

4 Q. As you came into the precinct as 10:13:35
5 you returned to the Central Park Precinct, 10:13:45
6 did any of the media members call out to 10:13:49
7 you? 10:13:51

8 A. No, sir. 10:13:51

9 Q. Did they call out to any of the 10:13:52
10 other detectives? 10:13:55

11 A. Not that I recall. 10:13:55

12 Q. Nobody was questioning, you 10:13:56
13 know, what's going on, Mike? 10:13:59

14 MS. DAITZ: Objection. 10:14:03

15 A. Not that I recall. 10:14:04

16 Q. So when you got back in the 10:14:05
17 precinct, the Central Park Precinct, was 10:14:08
18 it still crowded? 10:14:10

19 A. Not as hectic, you know. Not 10:14:12
20 as, not as confusing. It seemed to be 10:14:23
21 less, less guys. 10:14:27

22 Q. And you still were looking to be 10:14:31
23 briefed? 10:14:33

24 A. Yes, sir. 10:14:34

25 Q. And when you got back, what 10:14:34

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1 happened? 10:14:38

2 A. I had a conversation with 10:14:38

3 Lieutenant Doyle, Lieutenant Jack Doyle, 10:14:39

4 Commanding Officer. 10:14:49

5 Q. What was that conversation? 10:14:50

6 A. I reported to him that we had 10:14:51

7 gone with the uniformed personnel to 10:14:54

8 search for a length of pipe, and the 10:14:56

9 results of the search were negative. And, 10:14:58

10 you know, could he enlighten us a little 10:15:01

11 further as to what was happening or what 10:15:06

12 happened the night before in Central Park. 10:15:08

13 Q. And what did Lieutenant Doyle 10:15:11

14 say? 10:15:13

15 A. Lieutenant Doyle said there's a 10:15:13

16 number of victims, a variety of injuries, 10:15:17

17 and there are a number of suspects, all 10:15:27

18 young, all males. The investigation is 10:15:31

19 continuing, and he then directed me to the 10:15:37

20 youth room. 10:15:45

21 Q. And the description he gave to 10:15:49

22 you was a number of injuries? 10:15:54

23 A. Yes. 10:15:57

24 Q. A number of suspects? 10:15:58

25 A. Yes. 10:16:00

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NYCLD_044014

P-APP000843

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1 Q. Young and male? 10:16:01

2 MS. DAITZ: Objection. 10:16:04

3 A. Yes, sir. 10:16:08

4 Q. That was the discussion, it 10:16:08

5 wasn't male black or male Hispanic or male 10:16:10

6 white? 10:16:16

7 A. I don't think there was any 10:16:16

8 further description at the time, no, sir. 10:16:18

9 Q. In your experience as a police 10:16:20

10 officer and as a detective, when 10:16:24

11 descriptions are being given, isn't it 10:16:30

12 normally gender and then race? 10:16:34

13 MS. DAITZ: Objection. 10:16:39

14 A. Depending on the case, yes, sir. 10:16:40

15 Q. But would you agree that the 10:16:44

16 standard description is male white, male 10:16:49

17 black? 10:16:53

18 A. Male white, male black. 10:16:53

19 MS. DAITZ: Objection to the 10:16:56

20 standard description. 10:16:57

21 A. I mean, once again, it would 10:16:58

22 depend on the case. 10:17:01

23 Q. But your testimony is in this 10:17:02

24 case he just stopped with young male? 10:17:11

25 MS. DAITZ: Objection. 10:17:14

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NYCLD_044015

P-APP000844

1 A. To the best of my recollection, 10:17:14
2 yes, sir. 10:17:16
3 Q. Was there any description of the 10:17:17
4 victims? 10:17:18
5 A. Not at this time, no, sir. 10:17:19
6 Q. Did you ask about who were the 10:17:21
7 victims? 10:17:28
8 A. To the best of my recollection, 10:17:28
9 I don't think I had a chance to ask 10:17:32
10 because I was assigned a second 10:17:33
11 assignment. 10:17:36
12 Q. While you were talking with 10:17:37
13 Lieutenant Doyle? 10:17:40
14 A. Right. 10:17:41
15 Q. Someone came up and gave you, 10:17:41
16 and said cut this -- well, Lieutenant 10:17:45
17 Doyle was the commander; is that correct? 10:17:47
18 A. It was Doyle himself who 10:17:50
19 directed me to my next assignment. 10:17:51
20 Q. What did Lieutenant Doyle say? 10:17:54
21 A. He directed me to the Central 10:17:56
22 Park Precinct youth room. 10:17:59
23 Q. And what were you supposed to do 10:18:01
24 there? 10:18:03
25 A. In the youth room I met 10:18:04

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1 Detective Hartigan, John Hartigan, 10:18:09
2 Detective Burt Arroyo, Sergeant T. J. 10:18:13
3 O'Connor was there, Detective Jonza and 10:18:20
4 Detective Hall were with me. And I was 10:18:24
5 introduced to, actually Hartigan 10:18:27
6 introduced me to Raymond Santana. 10:18:32
7 Q. And then what happened? 10:18:39
8 A. Hartigan advised me that Raymond 10:18:43
9 was cooperating in the investigation, that 10:18:52
10 he had been part of the group involved in 10:18:56
11 the assaults, and he was 14 years old. 10:18:59
12 Hartigan said he had taken a 10:19:08
13 statement from him earlier. His 10:19:11
14 grandmother was present for that, and that 10:19:18
15 he was going to give another statement, 10:19:23
16 that he had more information. 10:19:33
17 And Hartigan was being, I guess 10:19:39
18 sent home. He had worked all night, and 10:19:43
19 that I was going to take this over, 10:19:47
20 myself, Jonza and Hall, at sometime take a 10:19:50
21 second statement, and reach out for 10:19:58
22 Raymond's father. 10:20:02
23 Q. So he indicated that the first 10:20:11
24 statement, Raymond's grandmother had been 10:20:15
25 present? 10:20:18

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P-APP000846

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1	A.	Yes, sir.	10:20:19
2	Q.	Did he tell you that there was a	10:20:19
3		problem because Raymond's grandmother did	10:20:30
4		not speak English?	10:20:33
5	A.	I don't recall that	10:20:35
6		conversation, no, sir.	10:20:36
7	Q.	He didn't mention that at all?	10:20:37
8	A.	As I sit here today, to the best	10:20:40
9		of my recollection, he didn't.	10:20:42
10	Q.	Did he show you the statement?	10:20:44
11	A.	He did not show it to me to	10:20:53
12		read. He kind of pointed to it. It was	10:20:58
13		on the desk.	10:21:01
14	Q.	Did you ask to read it?	10:21:02
15	A.	No, sir.	10:21:08
16	Q.	Why not?	10:21:11
17	A.	No reason, sir. I don't, I	10:21:20
18		don't recall why not.	10:21:26
19	Q.	Well, you had indicated earlier	10:21:28
20		that you, you know, you wanted to be	10:21:32
21		briefed on this case, correct?	10:21:34
22	A.	Yes, sir.	10:21:35
23	Q.	And now you had one of the	10:21:36
24		suspects who had given a statement.	10:21:41
25	A.	Yes, sir.	10:21:43

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P-APP000847

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1 Q. And the detective who took the 10:21:44
2 statement told you that he was 10:21:48
3 cooperating, this person Raymond was 10:21:52
4 cooperating. 10:21:54
5 A. Yes, sir. 10:21:54
6 Q. And that he needed to take 10:21:55
7 another statement. 10:21:58
8 A. Yes, sir. 10:21:58
9 Q. And so you have an opportunity 10:21:59
10 to find out what it is this cooperating 10:22:04
11 suspect is alleged to have done or has 10:22:08
12 signed a statement saying that he did, 10:22:13
13 correct? 10:22:15
14 MS. DAITZ: Objection. 10:22:15
15 A. I don't know what you mean by 10:22:15
16 the opportunity to find out. 10:22:19
17 Q. Well, he was cooperating, and he 10:22:20
18 wrote a statement or a statement was 10:22:28
19 written that he supposedly signed and the 10:22:32
20 statement was there on the table. 10:22:34
21 A. Okay. 10:22:35
22 Q. And you were going to take the 10:22:39
23 case over -- 10:22:41
24 MS. DAITZ: Objection. 10:22:42
25 Q. -- for Detective Hartigan. 10:22:43

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NYCLD_044019

P-APP000848

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1 A. I was not going to take the case 10:22:43
2 over. I was going to re-interview 10:22:44
3 Raymond. 10:22:44

4 Q. But you were taking over the 10:22:44
5 responsibility that Detective Hartigan 10:22:46
6 had? 10:22:49

7 MS. DAITZ: Objection. 10:22:49

8 Q. Is that right? 10:22:50

9 A. I was going to re-interview 10:22:50
10 Raymond, that was my assignment. 10:22:52

11 Q. But he said he was going home, 10:22:52
12 and it was your testimony that he was 10:22:55
13 going to take it over -- that you were 10:22:57
14 going to take it over. 10:22:58

15 A. My testimony was, that was my 10:23:00
16 second assignment was to interview 10:23:02
17 Raymond, re-interview Raymond. 10:23:05

18 Q. So given that, why wouldn't you 10:23:14
19 look at the statement right then since you 10:23:18
20 had said you wanted to be briefed, and now 10:23:20
21 you had the opportunity to do it? 10:23:22

22 MS. DAITZ: Objection. 10:23:24

23 A. To the best of my recollection, 10:23:25
24 I believe Lieutenant Doyle picked up the 10:23:28
25 statement and asked us to take Raymond out 10:23:31

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NYCLD_044020

P-APP000849

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1 of the precinct. 10:23:38

2 He wanted to move the 10:23:41

3 investigation to the 20th Precinct for 10:23:42

4 security reasons because, because of the 10:23:46

5 media had been gathering. And we had had 10:23:50

6 problems at the Central Park Precinct in 10:23:53

7 the past because it's, it's, it doesn't 10:23:56

8 give itself to a secure setting. 10:24:04

9 Q. So you were going to take 10:24:06

10 Raymond to the 20th Precinct? 10:24:10

11 A. Yes, sir. 10:24:12

12 Q. So why didn't you take the 10:24:12

13 statement with you? 10:24:15

14 A. Because Lieutenant Doyle took 10:24:15

15 it. 10:24:18

16 Q. Did you ask Lieutenant Doyle can 10:24:18

17 I take the statement so I can read it on 10:24:21

18 the way over to the 20th Precinct? 10:24:24

19 MS. DAITZ: Objection. 10:24:25

20 A. I don't recall asking him, and I 10:24:25

21 certainly didn't take the statement. 10:24:29

22 Q. Didn't you want to know what was 10:24:30

23 in the statement? 10:24:36

24 MS. DAITZ: Objection. 10:24:36

25 A. Well, I was going to 10:24:37

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NYCLD_044021

P-APP000850

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1 re-interview Raymond. I mean -- 10:24:39

2 Q. My question is, didn't you at 10:24:43

3 that time when Raymond was there and the 10:24:46

4 statement was there, didn't you want to 10:24:48

5 know what was in the statement? 10:24:50

6 A. I don't recall if I wanted to 10:24:52

7 know back then what was in the statement 10:24:53

8 or if I wanted to, you know, find out from 10:24:55

9 Raymond. 10:25:00

10 Q. And in the discussion you had 10:25:00

11 with Detective Hartigan when he described 10:25:10

12 what you set out before, did Detective 10:25:14

13 Hartigan mention that he had just taken a 10:25:18

14 statement from Raymond that he had been 10:25:22

15 involved in the rape of the jogger? 10:25:24

16 A. No, sir. 10:25:29

17 Q. He didn't mention that at all? 10:25:29

18 A. No, sir. 10:25:31

19 Q. You saw Detective Hartigan at 10:25:32

20 approximately what time, 6:00 p.m.? You 10:25:36

21 had just -- 10:25:41

22 A. I, I don't want to give you an 10:25:43

23 exact time because I'd be approximating. 10:25:48

24 Maybe slightly before six. 10:25:53

25 Q. Because you had just returned 10:25:56

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1 from 97th Street? 10:26:02

2 A. Right. 10:26:03

3 Q. And so slightly before six. And 10:26:04

4 Detective Hartigan never mentioned that we 10:26:09

5 have a possible rape and murder? 10:26:12

6 MS. DAITZ: Objection. 10:26:14

7 A. That was never mentioned. 10:26:15

8 Q. Let me show you what has, this 10:26:17

9 is out of order, but what has been marked 10:26:26

10 as Exhibit Sheehan 39. This is the 10:26:31

11 statement. 10:26:46

12 MS. DAITZ: Thank you. 39 you 10:26:48

13 said? 10:26:54

14 MR. WAREHAM: 39, yes. 10:26:54

15 MS. DAITZ: This is a document 10:27:02

16 bearing Bates stamp number YS001098, 1099 10:27:04

17 and 1100. 10:27:09

18 Q. And this is the copy of the 10:27:10

19 statement that you eventually saw, that 10:27:14

20 Detective Hartigan had taken from Mr. 10:27:17

21 Santana that you eventually saw. Do you 10:27:20

22 recognize this? 10:27:23

23 A. Yes, sir, I do. 10:27:24

24 Q. And let me direct you to the 10:27:25

25 last page, the Bates number YS001100. 10:27:31

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1	A. Right.	10:27:36
2	MS. DAITZ: I just would note	10:27:43
3	that the redactions on this version, I	10:27:45
4	think that this was the version that was	10:27:47
5	used in court and not the version that was	10:27:50
6	available then. I don't know if that was	10:27:52
7	your intention or not.	10:27:55
8	MR. WAREHAM: No, no, that's the	10:27:56
9	one that I saw, I'm sorry.	10:28:00
10	Q. I direct you to the paragraph	10:28:02
11	that begins 1740 hours.	10:28:08
12	A. Yes, sir.	10:28:13
13	Q. And have you read that	10:28:14
14	paragraph? Please read it.	10:28:22
15	A. Sure. Okay.	10:28:23
16	Q. Let me just -- you're familiar	10:28:59
17	with this exhibit, correct?	10:29:06
18	A. Yes, sir.	10:29:07
19	Q. Okay. Let me just ask you,	10:29:08
20	before we get to the one beginning 1740	10:29:10
21	hours, would it be fair to say that the,	10:29:14
22	just above the paragraph that begins 1740	10:29:17
23	hours, there is a paragraph that begins,	10:29:21
24	that says this statement signed at 1640	10:29:25
25	hours.	10:29:29

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1 A. Yes, sir. 10:29:29

2 Q. Also present during statement is 10:29:29

3 grandmother of Raymond Santana, Nevita 10:29:29

4 Colon of [REDACTED] 10:29:35

5 And that statement that I just 10:29:39

6 read is in reference to the first part, 10:29:42

7 the first two pages of the statement. 10:29:47

8 A. Right. 10:29:48

9 MS. DAITZ: Objection. 10:29:49

10 Q. Would it be fair to say that the 10:29:50

11 first, the first, the prior statement that 10:29:52

12 this refers to sets out some of the events 10:29:58

13 that occurred in the park, you know, fair? 10:30:02

14 MS. DAITZ: Do you want him to 10:30:07

15 read it again? 10:30:09

16 A. Yes, I'm familiar with it, yes, 10:30:09

17 sir. 10:30:11

18 Q. It does not deal with the attack 10:30:11

19 on the jogger -- 10:30:14

20 MS. DAITZ: Objection. 10:30:16

21 Q. -- in his first statement? 10:30:16

22 MS. DAITZ: The female jogger? 10:30:18

23 MR. WAREHAM: The female jogger. 10:30:21

24 A. That's correct. 10:30:22

25 Q. Patricia Meili. 10:30:23

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1 A. Yes. 10:30:24

2 Q. Okay. So this statement we just 10:30:25

3 read is all the events that did not 10:30:27

4 include the attack on Patricia Meili? 10:30:30

5 MS. DAITZ: Objection to form. 10:30:32

6 A. What was your question again? 10:30:33

7 Q. I'm getting to my question. 10:30:38

8 This was at 1640 hours which in civilian 10:30:43

9 terms would be? 10:30:47

10 A. 4:40. 10:30:47

11 Q. P.m. on April 20th? 10:30:49

12 A. 20th, yeah. 10:30:52

13 Q. And that statement has the, 10:30:53

14 those -- it's signed by Raymond Santana, 10:30:58

15 Jr.? 10:31:02

16 A. Yes. 10:31:02

17 Q. And signed by detective, is that 10:31:03

18 Detective Hartigan? 10:31:09

19 A. That might be Arroyo, actually. 10:31:12

20 MS. DAITZ: Where are you 10:31:15

21 looking? There are signatures all over 10:31:16

22 this page. 10:31:18

23 MR. WAREHAM: What? 10:31:19

24 MS. DAITZ: There are signatures 10:31:20

25 all over the page. Where are you looking? 10:31:21

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1 MR. WAREHAM: I'm looking at 10:31:23
2 just above the statement, the statement 10:31:24
3 signed that says Raymond Santana, 10:31:25
4 detective, I can't read the handwriting. 10:31:26
5 But there's a detective, shield number 10:31:31
6 365. 10:31:35
7 A. Hu-huh. 10:31:36
8 Q. Is there a signature of 10:31:36
9 Raymond's grandmother? Do you see a 10:31:42
10 signature for Ms. Nevita Colon on that 10:31:44
11 statement, anywhere on that statement? 10:31:49
12 A. No, I do not. 10:31:50
13 Q. And on the prior two pages, 10:31:51
14 there are, there's a signature on the side 10:31:59
15 of the first page. 10:32:02
16 A. Right. 10:32:03
17 Q. And that signature is that of, 10:32:03
18 the first page -- no, the first page. 10:32:07
19 A. Right. 10:32:07
20 Q. 1098, whose signature do you see 10:32:09
21 there? 10:32:13
22 A. Detective John Hartigan. 10:32:13
23 Q. On the next page on the side, 10:32:15
24 whose signature do you see there? 10:32:19
25 A. Detective John Hartigan. 10:32:20

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P-APP000856

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1 Q. On neither of those pages do you 10:32:24
2 see Raymond Santana Jr.'s signature, do 10:32:26
3 you? 10:32:30

4 A. No, sir. 10:32:30

5 Q. Nor do you see the signature of 10:32:30
6 Nevita Colon? 10:32:33

7 A. No, sir. 10:32:35

8 Q. Now, back to the page at 1740 10:32:36
9 hours which states: After talking to 10:32:39
10 father Ramon Santana, son Raymond Santana 10:32:48
11 stated after leaving the beaten jogger, we 10:32:53
12 stayed in park and I observed Kevin, a 10:32:56
13 male black with scratch on face was 10:33:00
14 struggling with a female white, and he 10:33:05
15 tripped her with his leg. Steve came over 10:33:08
16 and was holding her hands -- 10:33:11

17 MS. DAITZ: Arms. 10:33:14

18 Q. -- her arms with his legs. 10:33:15
19 There's a redaction. Came and started 10:33:17
20 ripping her clothes off. Redaction. 10:33:22
21 Pulled her pants off and she was 10:33:24
22 screaming. Steve covered her mouth with 10:33:28
23 his right hand, and Kevin pulled down his 10:33:30
24 pants and had sex with her when she was on 10:33:33
25 the floor. I grabbed her tits. I then 10:33:36

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1 left with everyone else and she was naked, 10:33:38
2 lying on the ground not moving. I did not 10:33:42
3 have sex with her. While Steve was 10:33:44
4 holding her down, I saw him hit the woman 10:33:46
5 with a brick twice. Then it says 6:00 10:33:49
6 p.m., the above statement is in addition 10:33:52
7 to the statement I made above and is true. 10:33:54
8 And there's the signature of Raymond 10:33:57
9 Santana? 10:33:59
10 A. Yes, sir. 10:34:00
11 Q. A signature of Detective John 10:34:00
12 Hartigan? 10:34:04
13 A. Yes, sir. 10:34:04
14 Q. And then the detective whose 10:34:05
15 name I can't make out, shield number 365. 10:34:07
16 A. Right. 10:34:12
17 Q. Is there a signature or any 10:34:12
18 indication -- is there a signature of 10:34:14
19 Nevita Colon? 10:34:18
20 A. No, sir. 10:34:19
21 Q. Is there a signature of Raymond 10:34:20
22 Santana, Sr.? 10:34:23
23 A. No, sir. 10:34:23
24 (Mr. Dong entered the room.) 10:34:27
25 MS. DAITZ: Can we just note for 10:34:27

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1	the record who just arrived?	10:34:29
2	MS. FISHER-BYRIALSEN: We will	10:34:31
3	in just a second.	10:34:32
4	MS. DAITZ: Mr. Wareham.	10:34:39
5	MR. WAREHAM: Who just arrived?	10:34:42
6	MR. BELDOCK: This is a	10:34:44
7	gentleman from the District Attorney's	10:34:45
8	office.	10:34:46
9	MR. WAREHAM: Gregory Dong.	10:34:50
10	MR. DONG: D-O-N-G.	10:34:53
11	MR. BELDOCK: He's bringing	10:34:55
12	McKenna's notebook, original, pardon me,	10:34:59
13	not McKenna's.	10:34:59
14	MS. NELSON: Whose notebook?	10:35:01
15	MS. DIPPOLD: Mr. Sheehan's.	10:35:03
16	MR. BELDOCK: Sheehan's	10:35:03
17	notebook.	10:35:07
18	MS. NELSON: Can we see that	10:35:07
19	notebook before it's given to him?	10:35:09
20	MR. BELDOCK: Why?	10:35:11
21	MS. DAITZ: Because we went over	10:35:12
22	this when we did the inspection with the	10:35:14
23	District Attorney's office, and that's why	10:35:14
24	we applied certain documents to be	10:35:16
25	redacted to the official information	10:35:17

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P-APP000859

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1 privilege. 10:35:17

2 Pursuant to court order, we had 10:35:18

3 put sticky notes over the originals before 10:35:19

4 plaintiffs were permitted to inspect. I'm 10:35:22

5 confused as to why this was not raised 10:35:24

6 with us before today either. 10:35:27

7 MS. NELSON: I'm sorry, what's 10:35:28

8 his name? 10:35:30

9 MR. WAREHAM: Gregory Dong. 10:35:31

10 D-O-N-G. 10:35:34

11 MR. DONG: Gregory Dong, 10:35:35

12 D-O-N-G. 10:35:38

13 MS. NELSON: Thank you. 10:35:38

14 MR. WAREHAM: One second. 10:35:43

15 MS. NELSON: May we speak with 10:35:46

16 you for a second? 10:35:47

17 MR. DONG: Yes. 10:35:49

18 MS. DAITZ: We're going to go 10:35:55

19 off the record. 10:35:55

20 THE VIDEOGRAPHER: We're going 10:35:56

21 off the record at 10:35 a.m. 10:35:58

22 (A recess was taken.) 10:36:05

23 THE VIDEOGRAPHER: We're back on 10:44:16

24 at 10:44 a.m. 10:45:04

25 Q. Mr. Sheehan, I believe I just 10:45:06

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P-APP000860

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1 finished reading you the statement that 10:45:22
2 Raymond Santana allegedly made to 10:45:26
3 Detective Hartigan, and we went over the 10:45:29
4 signatures. 10:45:31

5 Was, when you went into the 10:45:33
6 youth room, when you were first introduced 10:45:37
7 to Mr. Santana, can you just describe the 10:45:39
8 dimensions of the youth room, if you 10:45:43
9 remember? 10:45:46

10 A. I'm really not good at 10:45:46
11 estimating space, but -- 10:45:51

12 Q. Can you do it in relation to 10:45:52
13 this room? 10:45:54

14 A. That's just what I was going to 10:45:54
15 actually do. The -- it's, I think they 10:45:56
16 had like a divider wall in one of those, 10:46:01
17 where it doesn't go fully up to the 10:46:05
18 ceiling, to the best of my recollection, 10:46:08
19 in 1989. And the front part, this was a 10:46:10
20 separate building. 10:46:15

21 Q. Right. 10:46:16

22 A. I'm going to stress that. When 10:46:16
23 you come out of the Central Park Precinct, 10:46:18
24 there's a driveway that cars go in and 10:46:21
25 out, out to the 86th Street Transverse 10:46:24

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P-APP000861

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1 Road. 10:46:28

2 So you cross that driveway, and 10:46:28

3 there's a separate building. And in that 10:46:30

4 building, as you first walk in, that is 10:46:36

5 what's described as the youth room. 10:46:39

6 Q. Okay. 10:46:41

7 A. And I think the auxiliary police 10:46:41

8 used the back part of that, I'm not 10:46:45

9 certain. 10:46:48

10 So the youth room would be maybe 10:46:48

11 about the size of this room, that portion 10:46:52

12 of it would be about the size of this 10:46:55

13 room. 10:46:58

14 Q. And I'd say it's about -- 10:46:58

15 MS. DAITZ: Why don't you put on 10:47:04

16 the record what room we're in. 10:47:05

17 MR. WAREHAM: What? 10:47:07

18 MS. DAITZ: Why don't you put on 10:47:09

19 the record what room we're in. 10:47:10

20 MR. WAREHAM: We're in the 10:47:10

21 conference room at Beldock, Levine, 10:47:11

22 Hoffman in New York, approximately 30 10:47:15

23 feet, 20 feet by ten feet. We can get the 10:47:19

24 exact dimensions. 10:47:22

25 Q. Was Raymond Santana the only one 10:47:24

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P-APP000862

1 of the other -- were there other youths in 10:47:26

2 the room, other suspects? 10:47:29

3 A. No, sir. 10:47:31

4 Q. So it was just Raymond Santana, 10:47:32

5 Jr. and the six detectives, including 10:47:35

6 yourself and Lieutenant Doyle? 10:47:37

7 MS. DAITZ: Objection. 10:47:39

8 A. Are you asking me when I walked 10:47:39

9 in? 10:47:42

10 Q. Yes, when you walked in. 10:47:43

11 A. When I walked in, it was Raymond 10:47:44

12 Santana seated at a table, Detective 10:47:47

13 Hartigan sitting next to him, and 10:47:52

14 Detective Arroyo, I believe, was standing. 10:47:55

15 Q. I think you had indicated there 10:47:58

16 were other detectives who came into the 10:48:00

17 room, Jonza and Hall? 10:48:02

18 A. They came in with me. Doyle and 10:48:04

19 Sergeant O'Connor. 10:48:09

20 Q. And in the room, what other 10:48:10

21 furniture was there? You said there was a 10:48:13

22 table. How large was the table, what part 10:48:16

23 of the room did it take up? 10:48:19

24 A. A small portion. It was like 10:48:21

25 just a basic, basic table against the 10:48:26

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1 wall. So as you walked in, let's say you 10:48:31
2 walked in, well, if you came in the door 10:48:34
3 here, the table -- 10:48:38
4 Q. Indicating to your left. 10:48:39
5 A. Yeah, the table would be right 10:48:40
6 there where those cabinets are. 10:48:42
7 Q. Okay, as you walked in to the 10:48:43
8 left. 10:48:45
9 A. Where those cabinets are, maybe 10:48:45
10 one or two of those tables. Maybe there 10:48:47
11 was a, maybe it was a desk. All I 10:48:50
12 remember it was a flat surface. 10:48:54
13 Q. Indicating to your immediate 10:48:56
14 left. 10:48:58
15 A. I'm saying a table, but you know 10:48:58
16 what, it could have been a desk, to the 10:49:01
17 best of my recollection. I remember 10:49:03
18 sitting at a flat surface. 10:49:06
19 Q. Were there chairs in the room? 10:49:07
20 A. Yes, sir. 10:49:09
21 Q. Do you know how many? 10:49:12
22 A. No. 10:49:13
23 Q. More than five? 10:49:14
24 A. Certainly Santana was seated and 10:49:15
25 Hartigan was seated. I don't know, I 10:49:17

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P-APP000864

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1 don't recall specifically how many other 10:49:20
2 chairs. 10:49:22
3 Q. Was there a bench? 10:49:22
4 A. I don't recall that. 10:49:23
5 Q. Were there windows? 10:49:24
6 A. I don't recall that. 10:49:26
7 Q. Can you describe the lighting? 10:49:32
8 A. The lighting was adequate. I 10:49:38
9 don't know, you know. 10:49:46
10 Q. Bright, medium, dim? 10:49:47
11 MS. DAITZ: Objection. 10:49:50
12 A. I said adequate. I guess 10:49:50
13 medium, not blinding. 10:49:55
14 Q. And back to -- so this statement 10:49:57
15 was taken, according to the statement at 10:50:05
16 6:00 p.m. You had just, which is about 10:50:08
17 the time you had just returned from the 10:50:12
18 97th Street search? 10:50:16
19 A. Again, I want to stress, I 10:50:16
20 don't -- this is many, many years ago, and 10:50:19
21 my recollection of the exact times is, you 10:50:20
22 know, it's 23 years later. To the best of 10:50:24
23 my recollection, it was around that time, 10:50:29
24 yeah. 10:50:31
25 Q. And your testimony is that 10:50:31

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1 Detective Hartigan, having just taken a 10:50:42
2 statement where a rape is alleged of this 10:50:48
3 jogger who might die, never mentioned to 10:50:51
4 you, never told you that that was what 10:50:55
5 Raymond Santana, Jr. had told him? 10:50:59

6 MS. DAITZ: Objection to form. 10:51:06

7 A. What portion, you know. 10:51:08

8 Q. Your testimony is Detective 10:51:13
9 Hartigan never told you that Raymond 10:51:17
10 Santana had admitted to being part of a 10:51:19
11 rape of a female jogger? 10:51:21

12 A. That's correct. 10:51:23

13 MS. DAITZ: Mr. Wareham, I 10:51:48
14 believe I misspoke before when I 10:51:50
15 identified this as the version that was 10:51:52
16 used at trial. This is a Grand Jury 10:51:53
17 exhibit, just so the record is clear. 10:51:56

18 MR. WAREHAM: All right. 10:51:58

19 Q. So Lieutenant Doyle took the 10:52:04
20 statement and told you to go to the, to 10:52:14
21 take Raymond Santana, Jr. to the 20th 10:52:21
22 Precinct? 10:52:26

23 A. Yes, sir. 10:52:26

24 Q. And to contact his father? 10:52:27

25 A. Yes, sir. 10:52:30

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1	Q.	And Detective Hartigan, did	10:52:31
2		Detective Hartigan tell you that there was	10:52:39
3		a problem with the statement?	10:52:41
4		MS. DAITZ: Objection to form.	10:52:42
5	A.	No, sir.	10:52:43
6	Q.	That there might be a problem	10:52:44
7		with admissibility of the statement?	10:52:46
8		MS. DAITZ: Objection.	10:52:48
9	A.	No, sir.	10:52:49
10	Q.	That Raymond's grandmother	10:52:49
11		didn't sign either part of the statement?	10:52:55
12		MS. DAITZ: Objection.	10:52:58
13	A.	No, sir.	10:52:58
14	Q.	That Raymond's grandmother	10:52:59
15		didn't speak English?	10:53:02
16		MS. DAITZ: Objection, asked and	10:53:03
17		answered.	10:53:04
18	A.	No, sir.	10:53:05
19	Q.	And Detective Hartigan didn't	10:53:07
20		tell you that he needed a clean version	10:53:12
21		that would be admissible in court?	10:53:14
22		MS. DAITZ: Objection.	10:53:19
23	A.	No, sir.	10:53:19
24	Q.	And that he needed you to take	10:53:20
25		the clean version?	10:53:23

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1 MS. DAITZ: Objection. 10:53:24

2 A. Once again, no, sir. 10:53:25

3 Q. And that -- did Detective 10:53:26

4 Hartigan tell you I need the, I need the 10:53:32

5 cover of Raymond saying he's giving 10:53:43

6 additional details to justify you taking 10:53:46

7 another statement? 10:53:49

8 MS. DAITZ: Objection. 10:53:50

9 A. No, sir. 10:53:50

10 Q. And that was your understanding 10:53:51

11 of why you were taking a second statement? 10:53:55

12 MS. DAITZ: Objection. 10:53:58

13 A. Was what my statement? 10:53:58

14 Q. That there were problems with 10:54:01

15 the first statement, the two parts of the 10:54:02

16 first statement? 10:54:05

17 A. Not at all, sir. 10:54:05

18 Q. So then describe what happened 10:54:06

19 when you left the Central Park Precinct. 10:54:14

20 A. Detective Jonza, Detective Hall 10:54:18

21 and I told Raymond Santana we were going 10:54:24

22 to a different precinct on the West Side, 10:54:29

23 and that when we got there, I was going to 10:54:32

24 call his dad and try to arrange for him to 10:54:35

25 come to the precinct. 10:54:39

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1 And that I wanted to talk to him 10:54:42
2 again, but I would wait until his dad got 10:54:43
3 there. He said he understood. 10:54:46

4 We got in the car, and we pulled 10:54:50
5 out of the parking lot. We headed west on 10:54:54
6 86th Street Transverse Road towards the 10:54:59
7 20th Precinct. 10:55:04

8 Q. Who got in the car? 10:55:06

9 A. I drove. To the best of my 10:55:08
10 recollection, Detective Hall sat in the 10:55:17
11 front seat with me. I could be wrong on 10:55:20
12 that. Again, to the best of my 10:55:23
13 recollection, Detective Jonza sat in the 10:55:27
14 back seat with Raymond Santana. 10:55:30

15 Q. Before you left the precinct, 10:55:34
16 did you attempt to call Raymond's father? 10:55:43

17 A. No, sir. 10:55:46

18 Q. And why not? 10:55:46

19 A. No reason, sir, other than I was 10:55:49
20 going to call him when I got to the 20th. 10:55:54

21 Q. Before you left the precinct, 10:55:56
22 did you give -- was -- 10:56:03

23 MR. WAREHAM: Withdrawn. 10:56:14

24 Q. Was Raymond's grandmother in the 10:56:14
25 youth room when you came in? 10:56:18

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P-APP000869

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1 A. I don't recall seeing her, no, 10:56:23
2 sir. 10:56:25

3 Q. Before you left the precinct, 10:56:25
4 did you give Raymond any Miranda warnings? 10:56:26

5 A. No, sir. 10:56:32

6 Q. Why not? 10:56:32

7 A. I wasn't going to question him 10:56:33
8 at that time. 10:56:37

9 Q. Did you caution Raymond not to 10:56:38
10 say anything on his own to you? 10:56:43

11 MS. DAITZ: Objection. 10:56:48

12 A. What I remember telling Raymond 10:56:48
13 is that we were going to the 20th 10:56:51
14 Precinct, I was going to call his father 10:56:53
15 because I needed his father to be present 10:56:55
16 when I did interview him. 10:56:59

17 Q. But did you caution Raymond not 10:57:01
18 to volunteer any information about what 10:57:03
19 had allegedly happened that previous night 10:57:07
20 to you? 10:57:09

21 MS. DAITZ: Objection. 10:57:09

22 A. I don't recall cautioning him, 10:57:10
23 no. 10:57:14

24 Q. You knew he was 14? 10:57:15

25 A. Yes, sir, I did. 10:57:16

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P-APP000870

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1 Q. You knew he was probably not 10:57:18
2 familiar with the question of 10:57:23
3 self-incrimination? 10:57:28

4 MS. DAITZ: Objection. 10:57:29

5 A. I had no idea what Mr. Santana 10:57:30
6 was familiar with at that time. 10:57:35

7 Q. And -- 10:57:36

8 MR. WAREHAM: Withdrawn. 10:57:45

9 Q. On Exhibit 39, the one I just 10:57:46
10 showed you, the statement that was taken 10:58:14
11 by Detective Hartigan -- 10:58:17

12 A. Yes, sir. 10:58:19

13 Q. -- is there any indication in 10:58:19
14 any part of the statement that Detective 10:58:25
15 Hartigan read Mr. Santana and/or his 10:58:28
16 grandmother his Miranda warnings? 10:58:31

17 MS. DAITZ: He'll have to read 10:58:37
18 the whole statement. The document speaks 10:58:39
19 for itself. 10:58:41

20 Q. Sir, you don't have to take the 10:58:43
21 time to read it. Let me ask you, is this 10:58:45
22 one of the documents that you reviewed in 10:58:48
23 terms of refreshing your recollection in 10:58:51
24 preparation for this deposition? 10:58:52

25 MS. DAITZ: If it refreshed your 10:58:54

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1 recollection, you can answer the question. 10:58:56

2 A. Yes, sir. 10:58:57

3 Q. So you got in the car, Detective 10:58:58

4 Jonza, Hall and Mr. Santana, and then what 10:59:09

5 happened? 10:59:12

6 A. As I testified, we, we headed 10:59:12

7 west on the 86th Street Transverse towards 10:59:18

8 the 20th, which was located at 82nd Street 10:59:25

9 between Columbus Avenue and Amsterdam 10:59:28

10 Avenue. 10:59:32

11 There was a discussion in the 10:59:32

12 car among the three of us detectives about 10:59:34

13 the prior search for the pipe at Central 10:59:43

14 Park West. 10:59:51

15 A joint decision was made to 10:59:53

16 take a detour from going directly to the 11:00:02

17 20th and heading up to, back to 97th 11:00:05

18 Street and Central Park West to do a more 11:00:14

19 thorough search, I think we discussed 11:00:23

20 maybe outside the wall, looking a little 11:00:29

21 closer outside the wall because most of 11:00:32

22 our -- the prior search was done inside 11:00:35

23 the wall. In other words, within the, 11:00:38

24 actually inside Central Park. 11:00:41

25 Q. At that point in time, you had 11:00:45

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P-APP000872

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1 no idea whether Raymond Santana had any 11:00:48
2 relationship to the pipe you were looking 11:00:52
3 for? 11:00:55
4 MS. DAITZ: Objection to form. 11:00:56
5 A. Not at all, sir. 11:00:57
6 Q. And would you consider, did you 11:00:59
7 consider it good police procedure to 11:01:09
8 discuss your investigation in front of a 11:01:11
9 suspect? 11:01:18
10 MS. DAITZ: Objection to form. 11:01:18
11 A. We weren't actually discussing 11:01:20
12 the investigation. We were discussing 11:01:22
13 looking for a piece of pipe. 11:01:25
14 Q. But you were discussing looking 11:01:28
15 for a piece of pipe that allegedly was a 11:01:30
16 weapon in the investigation. 11:01:33
17 MS. DAITZ: Objection. 11:01:36
18 A. That's what we were looking for, 11:01:38
19 but I don't remember discussing that in 11:01:40
20 detail in front of Santana. 11:01:45
21 Q. And, so then continue. What 11:01:47
22 happened when you went to look for the 11:01:53
23 pipe? 11:01:54
24 A. We drove to the vicinity of 97th 11:01:55
25 Street, West 97th Street to West 100th 11:01:59

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P-APP000873

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1	Street on the east side of Central Park	11:02:04
2	West. And I can't recall if we all got	11:02:08
3	out of the car or Jonza and Hall got out	11:02:14
4	of the car, I'm not exactly sure.	11:02:18
5	To the best of my recollection	11:02:21
6	sitting here today, there was a look, a	11:02:27
7	search, so to speak, for the pipe.	11:02:31
8	Q. And then what happened, did you	11:02:39
9	find the pipe?	11:02:42
10	A. No, sir.	11:02:43
11	Q. You stayed in the car with	11:02:45
12	Raymond?	11:02:47
13	A. You know, as I sit here today, I	11:02:47
14	can't honestly tell you whether I stayed	11:02:50
15	in the car with Raymond or one of the	11:02:52
16	other detectives stayed in the car with	11:02:54
17	Raymond.	11:02:58
18	Q. Someone stayed in the car with	11:02:58
19	Raymond?	11:03:00
20	A. To the best of my recollection,	11:03:01
21	yes.	11:03:03
22	Q. Was he under arrest at that	11:03:03
23	point?	11:03:05
24	A. No, sir.	11:03:05
25	Q. Was he free to go?	11:03:06

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P-APP000874

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1 A. I don't believe he was free to 11:03:08
2 go, no. 11:03:09

3 Q. He couldn't have just got out of 11:03:10
4 the car and gone home? 11:03:12

5 A. No, sir. 11:03:14

6 Q. So you didn't find the pipe, and 11:03:14
7 then what happened? 11:03:17

8 A. We got back in the car and, to 11:03:17
9 the best of my recollection, Raymond said, 11:03:25
10 if you're looking for that pipe, I'm not 11:03:34
11 saying the exact words now, I'm 11:03:37
12 paraphrasing what he said, sum and 11:03:41
13 substance, my friend Antron McCray had the 11:03:42
14 pipe. The pipe's not here. 11:03:46

15 He used -- we ran along, and he 11:03:52
16 pointed to an area on the west side of 11:03:55
17 Central Park West that roughly ran from 11:04:00
18 100th Street down to 97th Street. 11:04:06

19 There was protective covering, 11:04:09
20 construction covering, covering the 11:04:13
21 sidewalk. He said, see all those lights, 11:04:16
22 pointing to the bulbs. He says, we ran 11:04:20
23 along there, Antron used the pipe to break 11:04:24
24 those bulbs. 11:04:28

25 Q. And at that point in time, did 11:04:31

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P-APP000875

1 you tell Raymond Santana, Jr., a 14-year 11:04:34
2 old, that he should not be making any 11:04:39
3 statements to you until his father was 11:04:42
4 present? 11:04:44
5 MS. DAITZ: Objection. 11:04:45
6 A. No, sir. 11:04:45
7 Q. And why not? 11:04:46
8 A. I have no reason, sir. I mean, 11:04:50
9 he made the statement. 11:04:55
10 Q. He was 14. 11:04:57
11 A. Yes, he was. 11:04:59
12 Q. And he was a suspect, as far as 11:05:01
13 you knew, in a series of assaults? 11:05:04
14 A. Yes, sir. 11:05:07
15 Q. And his statements could be used 11:05:07
16 against him on trial. 11:05:13
17 MS. DAITZ: Objection. 11:05:14
18 A. Yes, sir. 11:05:15
19 Q. And you had no prior indication 11:05:16
20 that Raymond Santana, Jr. knew anything 11:05:25
21 about the pipe? 11:05:29
22 A. That's correct. 11:05:30
23 Q. Go on, then what happened? 11:05:31
24 A. At some point in that 11:05:35
25 discussion, or not discussion, in his 11:05:41

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1 statement, he said I know where the pipe 11:05:43
2 was dropped and it's not here, it's on 11:05:47
3 Columbus Avenue. 11:05:52

4 We drove west on 97th Street to 11:05:55
5 Columbus Avenue, and Raymond pointed 11:06:07
6 north, he said it's on the other corner, 11:06:16
7 100th Street, I think. 11:06:20

8 I made a right turn on Columbus 11:06:22
9 and kind of carefully drove down to 100th 11:06:27
10 Street, because we were going against 11:06:33
11 traffic in the right lane, to the corner 11:06:35
12 of, the southeast corner of West 100th 11:06:38
13 Street and Columbus Avenue. 11:06:46

14 We all got out of the car, 11:06:47
15 including Raymond, he pointed to the 11:06:51
16 corner, and there was a fence separating 11:06:53
17 the sidewalk and the west side tennis 11:06:58
18 courts. 11:07:02

19 And he said this is where Antron 11:07:04
20 dropped the pipe. We looked around, the 11:07:06
21 pipe wasn't there. There was actually a 11:07:11
22 construction, a hole, so to speak, I think 11:07:15
23 a Con Ed hole in the crosswalk. And I 11:07:23
24 walked to that and looked in there and 11:07:31
25 there was no pipe. 11:07:34

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P-APP000877

1 Q. And this location, the southeast 11:07:36
2 corner of 100th Street and Columbus, is 11:07:39
3 approximately a half a block from the 24th 11:07:42
4 Precinct? 11:07:46

5 A. Yes, it's a long block, but 11:07:46
6 yeah, you're right, about a half a block. 11:07:49

7 Q. And once again, you had no prior 11:07:53
8 knowledge that Raymond knew anything about 11:07:55
9 the pipe? 11:07:58

10 A. No, sir. 11:07:59

11 Q. It was just a coincidence that 11:07:59
12 you were discussing the pipe and you had 11:08:02
13 Raymond in the car, and he said I know 11:08:03
14 where the pipe is? 11:08:06

15 MS. DAITZ: Objection. 11:08:07

16 A. He said I think if you're 11:08:07
17 looking for this pipe, my friend Antron 11:08:10
18 had it. 11:08:12

19 Q. You testified yesterday that 11:08:13
20 during 2002 you had a meeting with ADAs 11:08:27
21 Ryan and Casolaro? 11:08:37

22 A. I'm not certain what year that 11:08:39
23 was. 11:08:42

24 Q. During the year of the 11:08:42
25 reinvestigation. 11:08:44

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1 A. I don't remember the exact date, 11:09:53
2 and I testified about that yesterday. 11:09:55
3 Q. Let me show you Plaintiffs' 11:09:57
4 marked Sheehan 36. 11:10:01
5 MS. DAITZ: Thank you. 11:10:14
6 Q. Let me know when you're finished 11:10:14
7 reading. 11:10:31
8 A. Okay. 11:11:14
9 Q. Have you seen this document 11:11:16
10 before? 11:11:18
11 MS. DAITZ: I'm instructing the 11:11:18
12 witness not to answer on the grounds of 11:11:19
13 attorney-client privilege. 11:11:21
14 Q. Does this document refresh your 11:11:22
15 recollection about the meeting you had 11:11:26
16 with ADA Casolaro? 11:11:27
17 A. No, sir. 11:11:30
18 Q. Does the date, October 28, 2002, 11:11:31
19 refresh your recollection about the, when 11:11:45
20 you had the meeting with Inspector 11:11:48
21 Casolaro -- Detective Casolaro -- I mean 11:11:51
22 ADA Casolaro? 11:11:54
23 A. No, sir. 11:11:56
24 Q. Do you see the notation on the 11:11:56
25 top left that says MS? 11:12:05

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P-APP000880

2 0. These are notes of ADA Casolaro 11:12:08

3 that we received in terms of this 11:12:13

4 litigation. 11:12:18

5 MS. DAITZ: Objection. That has 11:12:19

6 not been established. 11:12:21

7 O. These are notes of ADA Casolaro 11:12:31

8 that he took during the reinvestigation. 11:12:37

9 MS. DAITZ: Object, objection, 11:12:42

10 if that's the question. 11:12:45

11 O. Do you see on the top left where 11:12:50

12 it says MS? 11:12:52

13 A. Yes, sir. 11:12:54

14 O. It says came in afternoon at 11:12:54

15 4:20. 11:12:58

16 MS. DAITZ: Afternoon of 4/20. 11:12:59

17 O. Afternoon, came in afternoon of 11:13:03

18 4/20. 11:13:08

19 A. Yes, sir. 11:13:08

20 O. Do you remember meeting with ADA 11:13:09

21 Casolaro -- no, I'm sorry. And then the 11:13:16

22 notes describe the events that you've 11:13:21

23 testified to earlier. 11:13:32

24 MS. DAITZ: Objection. 11:13:34

25 Q. Central Park, CPP bosses galore. 11:13:36

P-APP000881

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1 MS. DAITZ: I don't think that's 11:13:42
2 what it says. 11:13:43
3 Q. Confusion, lots of detectives, 11:13:47
4 Doyle, no briefing, which is what you 11:13:50
5 testified to earlier. 11:13:55
6 A. Yes, sir. 11:13:56
7 Q. Inspector Power yelled at 11:13:57
8 Sheehan. 11:14:01
9 MS. DAITZ: I think you're 11:14:02
10 missing a word. 11:14:02
11 Q. Inspector Power, is that Jim, 11:14:03
12 Jonza, I'm not sure. Inspector Power, and 11:14:12
13 I'm not sure if it's a J, I'm not sure if 11:14:16
14 that's Jonza, Jim, yelled at Sheehan talk 11:14:23
15 to that kid, knows where, quote, unquote, 11:14:26
16 pipes be. 11:14:30
17 MS. DAITZ: I don't think that's 11:14:32
18 what it says either. 11:14:33
19 Q. Do you remember telling ADA 11:14:37
20 Casolaro that? 11:14:42
21 A. Well, first of all, I don't 11:14:45
22 recall telling ADA Casolaro that at the 11:14:50
23 meeting I just described. 11:14:53
24 Q. Do you remember telling him that 11:14:54
25 at any other meeting? 11:14:57

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P-APP000882

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1 A. I could have had a discussion 11:14:58
2 with him at another time. 11:15:00
3 Q. But you don't remember? 11:15:02
4 A. I don't recall that, no. 11:15:03
5 Q. But does that sound, does that 11:15:04
6 refresh your recollection around one of 11:15:07
7 the -- that you needed to talk -- 11:15:11
8 MR. WAREHAM: Withdrawn. 11:15:14
9 Q. Further it goes on and says, new 11:15:15
10 people beaten, didn't know about female 11:15:21
11 jogger. That reflects your testimony 11:15:24
12 today? 11:15:26
13 MS. DAITZ: Objection, no, it 11:15:27
14 doesn't. 11:15:29
15 Q. Santana introduced by Hartigan 11:15:33
16 go find pipe - go find pipe. The only -- 11:15:37
17 if you read through the entire document, 11:15:57
18 the only kid or suspect referred to in 11:16:00
19 this is Raymond Santana, Jr. 11:16:05
20 MS. DAITZ: Objection. Do you 11:16:09
21 know that the witness' copy has sticky 11:16:16
22 notes on it? 11:16:19
23 MR. WAREHAM: That's mine to 11:16:21
24 myself. Excuse me, forgive me. There you 11:16:24
25 go. 11:16:27

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P-APP000883

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1 A. No, sir. 11:17:57

2 Q. Then what did you do? 11:17:58

3 A. We all, Detective Jonza, 11:18:00

4 Detective Hall, Raymond Santana and myself 11:18:05

5 drove south on Columbus Avenue toward the 11:18:09

6 20th Precinct. 11:18:13

7 Q. And then what, if anything, 11:18:19

8 happened? 11:18:21

9 A. Made a stop at around 84th 11:18:21

10 Street and Columbus Avenue at a pizzeria 11:18:27

11 which was on the west side of the avenue, 11:18:32

12 slightly off the corner. 11:18:36

13 One of the detectives, and I'm 11:18:42

14 not sure who, went in and got a slice of 11:18:47

15 pizza, four slices of pizza, as I recall. 11:18:53

16 We asked Raymond if he would like a slice 11:18:58

17 of pizza and he said yes. 11:19:02

18 We ate the four slices of pizza 11:19:06

19 in the car. I think he had a soda as 11:19:11

20 well, I'm not 100 percent positive. And I 11:19:18

21 continued to drive south to the 20th 11:19:25

22 Precinct, which is on West 82nd Street. 11:19:30

23 Q. And what, if anything, happened 11:19:33

24 then? 11:19:39

25 A. At some point in that ride -- 11:19:40

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P-APP000885

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1 Q. Between 84th and 80th Street? 11:19:45

2 A. Between 84th and 82nd Street. 11:19:47

3 Q. 82nd Street. 11:19:50

4 A. Raymond Santana leaned up, 11:19:51

5 forward from the back seat and said, in 11:19:58

6 sum and substance, to the best of my 11:20:02

7 recollection, I don't know, I don't recall 11:20:04

8 his exact words, but he said I just want, 11:20:08

9 you know, you guys to know that I didn't 11:20:12

10 fuck that lady, I played with her tits, I 11:20:16

11 touched her tits. 11:20:25

12 I told him we were going to go 11:20:29

13 upstairs and I was going to call his dad. 11:20:34

14 We parked the car. Detective Jonza, 11:20:38

15 Detective Hall, myself and Raymond Santana 11:20:46

16 went into the 20th Precinct and upstairs 11:20:50

17 to the second floor and into the 20th 11:20:54

18 Squad. 11:21:00

19 Q. Let me just stop you there a 11:21:00

20 second, Detective, former detective. 11:21:02

21 When Raymond Santana, Jr. said I 11:21:07

22 didn't fuck that lady, I just touched her 11:21:15

23 tits, what did you say to him? 11:21:19

24 A. Nothing. 11:21:21

25 Q. Did you tell him he needs to 11:21:23

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P-APP000886

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1 stop talking, stop making statements? 11:21:26

2 A. I told him we would talk about 11:21:28

3 what happened in Central Park after I had 11:21:31

4 an opportunity to call his dad. 11:21:33

5 Q. But you didn't tell him to stop 11:21:34

6 talking, stop making any statements? 11:21:37

7 A. No, sir. 11:21:40

8 Q. And what was your reaction when 11:21:41

9 he made that statement, what were you 11:21:44

10 thinking when he made that statement? 11:21:47

11 A. I was surprised. 11:21:49

12 Q. Why were you surprised? 11:21:56

13 A. It was the first time I had 11:21:58

14 heard that there was any sexual assault. 11:22:02

15 Q. Right, because Hartigan never 11:22:07

16 told that to you? 11:22:10

17 A. That's right. 11:22:14

18 Q. And so then you got to the -- 11:22:15

19 what were the reactions of Detective Jonza 11:22:22

20 and Hall? 11:22:25

21 A. No visible reaction. 11:22:26

22 Q. When you got to the precinct, 11:22:33

23 did the three of you have a discussion 11:22:34

24 about that? 11:22:37

25 A. Yes, we did. 11:22:37

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P-APP000887

1 Q. And what did you say, what was 11:22:38
2 discussed? 11:22:40

3 A. What was discussed was, you 11:22:41
4 know, we were a bit angry that we hadn't 11:22:45
5 been properly briefed, that we had to be 11:22:50
6 told by a 14-year old kid that there was a 11:22:54
7 sexual assault. 11:22:57

8 Q. And did that raise a question in 11:23:01
9 your mind why Detective Hartigan asked you 11:23:10
10 to take another statement? 11:23:13

11 MS. DAITZ: Objection. 11:23:15

12 A. No, Hartigan had simply said to 11:23:16
13 me that he had more information, and that 11:23:21
14 we needed his father present. 11:23:25

15 Q. That he had more information or 11:23:29
16 he had additional details? 11:23:31

17 MS. DAITZ: Objection. 11:23:33

18 A. More information, additional 11:23:33
19 details, sitting here today, 23, 24 years 11:23:35
20 later, to the best of my recollection, in 11:23:41
21 sum and substance, I don't remember the 11:23:44
22 exact words. 11:23:46

23 Q. But it was sufficient rationale 11:23:49
24 to take another statement? 11:23:53

25 MS. DAITZ: Objection. 11:23:54

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1 A. I don't know what you mean by 11:23:55
2 sufficient rationale. 11:23:57

3 Q. Well, he had already made a 11:23:58
4 statement, and as you subsequently found 11:24:01
5 out, there was very little difference 11:24:06
6 between the statement that he made in the 11:24:09
7 afternoon and the statement that he gave 11:24:11
8 to you. 11:24:14

9 MS. DAITZ: Objection. 11:24:14

10 A. When you say subsequently found 11:24:16
11 out, do you have a time reference? 11:24:19

12 Q. After you had an opportunity to 11:24:21
13 read the statement that he gave Detective 11:24:24
14 Hartigan and then the statement that he 11:24:29
15 gave you, there was very little difference 11:24:33
16 in terms of his personal involvement in 11:24:39
17 the event that happened with the jogger. 11:24:44

18 MS. DAITZ: Objection to form. 11:24:48

19 Q. The female jogger, Patricia 11:24:49
20 Meili. 11:24:51

21 A. Without having both statements 11:24:52
22 in front of me, it's very difficult for me 11:24:54
23 to answer that. They were similar, I'll 11:24:56
24 give you that. 11:24:59

25 Q. And the difference being that 11:25:00

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P-APP000889

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1 one, there was no Miranda warnings given, 11:25:05
2 that's one significant difference between 11:25:10
3 what we can call the Hartigan statement 11:25:13
4 and the Sheehan statement, right? 11:25:15

5 MS. DAITZ: Objection. 11:25:17

6 A. I don't know there were no 11:25:17
7 Miranda warnings given. 11:25:20

8 Q. On the statement, there's no 11:25:22
9 indication that Miranda warnings were 11:25:24
10 given to Mr. Santana on the Hartigan 11:25:26
11 statement. 11:25:30

12 MS. DAITZ: Again, you told him 11:25:30
13 not to read the whole thing. 11:25:32

14 MR. WAREHAM: I did not tell him 11:25:34
15 not to read the whole thing. 11:25:35

16 MS. DAITZ: Well, then we'll go 11:25:38
17 back to it, and he can read it. 11:25:39

18 MR. WAREHAM: I don't know if he 11:25:40
19 -- he said that he was very familiar with 11:25:40
20 the statement. He said that it was one of 11:25:42
21 the documents he used in terms of his 11:25:42
22 preparation. 11:25:43

23 MS. DAITZ: He said he reviewed 11:25:43
24 the document and it refreshed his 11:25:45
25 recollection. He didn't say anything 11:25:47

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1 about being very familiar. And when I 11:25:48
2 asked you to give the witness an 11:25:52
3 opportunity to read it, you opted and said 11:25:52
4 to move on because the document speaks for 11:25:54
5 itself. 11:25:56

6 Q. Do you want to read the entire 11:25:57
7 statement? You know, let's wait at this 11:25:59
8 point, we'll get back to it. 11:26:02

9 No, you can read it, go ahead, 11:26:04
10 to answer my question around whether 11:26:07
11 Miranda warnings were given in the 11:26:11
12 Hartigan statement, whether there's any 11:26:12
13 indication in the statement that Miranda 11:26:15
14 warnings were given to Raymond Santana, 11:26:17
15 Jr. 11:26:22

16 MS. DAITZ: We're wasting time, 11:26:24
17 Mr. Wareham. 11:26:25

18 MR. WAREHAM: You're wasting 11:26:26
19 time because you said that -- I was very 11:26:27
20 clear and he was very clear that he was 11:26:30
21 familiar with the statement, and he 11:26:32
22 answered that question that there were no 11:26:33
23 Miranda warnings indicated. 11:26:35

24 MS. DAITZ: And you're asking 11:26:37
25 him again? 11:26:38

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1 MS. NELSON: It's his 11:26:39
2 deposition. 11:26:40

3 MS. DIPPOLD: I have to remind 11:26:41
4 you that your office called the Court, and 11:26:42
5 all attorneys were instructed that 11:26:45
6 speaking at depositions is to be limited 11:26:47
7 to an objection and a basis for the 11:26:51
8 objection. 11:26:54

9 MS. DAITZ: I'm not making an 11:26:55
10 objection. 11:26:57

11 MS. DIPPOLD: And nothing more. 11:26:57

12 MS. FISHER-BYRIALSEN: You're 11:26:59
13 not supposed to talk at all. 11:27:00

14 MS. DAITZ: What I'm doing is 11:27:02
15 following the Court's order regarding 11:27:03
16 timing, the length of time that the 11:27:06
17 deposition is taking. 11:27:08

18 MS. FISHER-BYRIALSEN: That is 11:27:08
19 ridiculous. 11:27:09

20 MS. DAITZ: And this deposition 11:27:09
21 is an overtime deposition -- 11:27:09

22 MS. FISHER-BYRIALSEN: Do you 11:27:11
23 know that at Kharey's deposition we spent 11:27:11
24 an hour and a half watching a video. You 11:27:14
25 couldn't keep that up, that's what you 11:27:14

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1 chose to do. So let Roger do what he 11:27:17
2 choses to do. You're outrageous. 11:27:22
3 MS. DAITZ: I'm noting for the 11:27:22
4 record, as I've been instructed to do by 11:27:24
5 the Court -- 11:27:24
6 MS. FISHER-BYRIALSEN: No way. 11:27:24
7 You can call the Court. You're not 11:27:24
8 supposed to note things for the record. 11:27:24
9 MS. DAITZ: We can call the 11:27:24
10 court because this is an issue of time. 11:27:30
11 MS. FISHER-BYRIALSEN: We have 11:27:30
12 14 hours, and we're going to use them how 11:27:31
13 we choose. 11:27:34
14 MS. DAITZ: That is not true at 11:27:34
15 all. You gave a good faith estimate of 14 11:27:35
16 hours. And what the Court instructed us 11:27:35
17 to do is that if the time is being wasted, 11:27:39
18 to call the Court. 11:27:41
19 So if you want to call the 11:27:42
20 Court, then we'll do that. 11:27:45
21 MS. FISHER-BYRIALSEN: It's been 11:27:45
22 wasted by you. 11:27:46
23 MS. DAITZ: I disagree. 11:27:48
24 MR. BELDOCK: Let's go ahead, 11:27:48
25 come on, move. 11:27:49

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1 Q. Have you had an opportunity to 11:27:49
2 look at the document, to read the 11:27:51
3 document? 11:27:53

4 A. Yes, sir. 11:27:54

5 Q. Is there any indication there 11:27:54
6 that Miranda warnings were given to 11:27:56
7 Raymond Santana, Jr. in that document? 11:27:59

8 A. There is no written indication, 11:28:01
9 no, sir. 11:28:03

10 Q. Thank you. When you got to the 11:28:03
11 20th Precinct, did you get a chance to -- 11:28:30
12 were you briefed on the case? 11:28:36

13 A. Not when I first got there, no, 11:28:38
14 sir. 11:28:41

15 Q. What happened when you got to 11:28:41
16 the 20th Precinct? 11:28:43

17 A. I went up to the second floor, 11:28:44
18 went into the squad room, found a desk 11:28:47
19 that wasn't being used in a remote 11:28:53
20 section. I advised the detectives in the 11:28:58
21 20th Squad that the entire investigation 11:29:02
22 was now going to be moved, so if they 11:29:06
23 could free up as much room as they could 11:29:10
24 for us, it would be appreciated. 11:29:13

25 I sat down with Raymond, and I 11:29:17

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1 asked for his father's phone number and I 11:29:24

2 called his dad. 11:29:30

3 Q. And what was that discussion? 11:29:32

4 A. Which discussion? 11:29:36

5 Q. When you called his father, what 11:29:37

6 happened? 11:29:39

7 A. The discussion between myself 11:29:39

8 and Raymond, Sr.? 11:29:42

9 Q. Uh-huh. 11:29:43

10 A. Okay. Again, I don't remember 11:29:44

11 the exact conversation, it's a long time 11:29:46

12 ago. But as I sit here today, I recall 11:29:49

13 that I spoke to him, I introduced myself 11:29:52

14 over the phone, Detective Mike Sheehan 11:29:57

15 from Manhattan North Homicide Squad. I'm 11:30:00

16 with your son. He's no longer at the 11:30:03

17 Central Park Precinct. For reasons, we 11:30:09

18 moved the investigation to the West Side, 11:30:13

19 to the 20th. 11:30:15

20 I gave him the location of the 11:30:18

21 20th Precinct, 82nd Street and Columbus 11:30:20

22 Avenue, between Columbus and Amsterdam. 11:30:23

23 And I advised him that I wanted to 11:30:26

24 interview his son, that I would need his 11:30:29

25 presence. I wanted him to be present when 11:30:37

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P-APP000895

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1 I did. 11:30:40

2 Q. What did Mr. Santana say? 11:30:42

3 A. He said he knew his son was with 11:30:44

4 the police, and that he needed about an 11:30:49

5 hour to an hour and a half to get there. 11:30:54

6 And I said fine, but when you 11:31:00

7 get here, it's on the second floor. I'm 11:31:02

8 on the second floor, so just let the 11:31:04

9 people at the desk downstairs know that 11:31:07

10 you're here. 11:31:12

11 Q. Then what happened, what did you 11:31:12

12 do after you spoke to Mr. Santana? 11:31:16

13 A. I told Raymond that his father 11:31:18

14 was going to come here to the 20th, that 11:31:21

15 he asked for some time, about an hour, 11:31:26

16 hour and a half. 11:31:30

17 We then -- I, Jonza and Hall had 11:31:34

18 a discussion, I believe, with Sergeant 11:31:38

19 O'Connor. I believe he was now at the 11:31:41

20 20th Precinct as well. 11:31:44

21 He instructed us to use that 11:31:46

22 time to go eat something. I can give you 11:31:51

23 an approximate time. About 7:00 o'clock 11:32:02

24 we left the precinct. 11:32:04

25 Q. Okay. And you returned when? 11:32:06

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P-APP000896

1 come, and he said no. I said okay. When 11:33:18
2 your father gets here, let the detectives 11:33:22
3 know that he's here to come get me because 11:33:26
4 I'm going into another room, the other end 11:33:29
5 of the squad for a conference. 11:33:35

6 So if your father does come, 11:33:40
7 which I assume he was going to come, make 11:33:43
8 sure to come and get me. 11:33:47

9 MS. NELSON: Mr. Wareham -- 11:33:53

10 MR. WAREHAM: We'll take a break 11:33:55
11 now. The tape is about to end. 11:33:57

12 THE VIDEOGRAPHER: We're going 11:34:00
13 off the record at 11:33 a.m. This marks 11:34:01
14 the end of media unit No. 1. 11:34:01

15 (A recess was taken.) 11:34:15

16 THE VIDEOGRAPHER: We are back 11:47:03
17 on the record at 11:49 a.m. This marks 11:49:42
18 the beginning of media unit No. 2. 11:49:45

19 Q. Mr. Sheehan, when we left, you 11:49:50
20 had returned to the precinct, to the 20th 11:49:54
21 Precinct. You told Raymond to let you 11:50:00
22 know when his father was coming, and then 11:50:03
23 what did you do? 11:50:06

24 MS. DAITZ: Objection. 11:50:06

25 A. What did I do when, sir? 11:50:07

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1 Q. After you finished speaking to 11:50:09
2 Raymond, you told him you were going to be 11:50:11
3 down the hall in another room. You went 11:50:14
4 down the hall to the other room? 11:50:17
5 A. Yes, sir. 11:50:19
6 Q. What happened there? 11:50:19
7 A. I went to a briefing. 11:50:21
8 Q. Conducted by? 11:50:23
9 A. To the best of my recollection, 11:50:26
10 Inspector Power, Lieutenant Doyle, 11:50:32
11 Sergeant O'Connor and other people. 11:50:38
12 Q. And what happened at the 11:50:40
13 briefing? What was said at the briefing? 11:50:44
14 A. Some more details on the case. 11:50:50
15 Q. Did the details include the rape 11:50:56
16 of Patricia Meili? 11:51:00
17 A. The details included the fact 11:51:03
18 that a female jogger was raped or appeared 11:51:05
19 to be raped. 11:51:12
20 Q. Did the briefing indicate the 11:51:12
21 rape -- did the briefing indicate the race 11:51:19
22 of the suspects? 11:51:26
23 A. I don't specifically recall 11:51:28
24 that. 11:51:29
25 Q. Did the briefing indicate how 11:51:29

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1 many people had been arrested? 11:51:32

2 A. I don't recall that either. 11:51:34

3 Q. Did the briefing indicate who 11:51:36

4 the victims were? 11:51:43

5 A. To the best of my recollection, 11:51:45

6 I don't recall that either. 11:51:53

7 Q. Did the briefing indicate how 11:51:54

8 many victims there were? 11:51:56

9 A. To the best of my recollection, 11:51:58

10 I don't remember that either. I can't, I 11:52:00

11 don't want to venture a guess. 11:52:03

12 Q. Did you take notes of the 11:52:04

13 briefing? 11:52:17

14 A. I don't believe I did, sir. 11:52:18

15 Q. Did you take notes of the 11:52:19

16 statements that Raymond Santana, Jr. 11:52:22

17 allegedly made when you were driving him 11:52:26

18 from the Central Park Precinct to the 20th 11:52:29

19 Precinct? 11:52:31

20 A. I don't, I don't recall if I did 11:52:31

21 or not. 11:52:34

22 Q. After you -- after the briefing 11:52:34

23 -- what time was the briefing over? 11:52:46

24 A. Well, shortly after it began, 11:52:50

25 let's say 20 minutes or a half hour into 11:52:56

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P-APP000900

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1	it, I was, I was called out of the	11:52:59
2	briefing.	11:53:04
3	Q. Why?	11:53:05
4	A. Apparently Mr. Santana had come	11:53:05
5	to the precinct.	11:53:11
6	Q. And?	11:53:12
7	A. I went to the, into the squad	11:53:13
8	room.	11:53:18
9	Q. And you spoke with him?	11:53:18
10	A. No, sir.	11:53:20
11	Q. Why not?	11:53:20
12	A. He wasn't there.	11:53:21
13	Q. Where had he gone?	11:53:23
14	A. I spoke with Raymond Santana,	11:53:25
15	Jr.	11:53:29
16	Q. And, describe in a narrative	11:53:29
17	form what happened.	11:53:32
18	A. Raymond basically told me that	11:53:33
19	his father had come and had gone out again	11:53:36
20	but would return.	11:53:38
21	Q. What did you tell Raymond	11:53:39
22	Santana, Jr.?	11:53:43
23	A. When he comes, when dad comes	11:53:43
24	back, you know, try to have him stay here.	11:53:45
25	Q. So then what did you do?	11:53:51

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P-APP000901

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1 A. I went back into the room where 11:53:54
2 the briefing was continuing. 11:53:58

3 Q. And at the end of the briefing, 11:54:00
4 what had you learned, anything than what 11:54:03
5 you just indicated? 11:54:08

6 A. To the best of my recollection, 11:54:09
7 I mean sitting here today, I mean, I don't 11:54:11
8 remember the entire briefing. But the one 11:54:14
9 thing I did learn is that there was a 11:54:17
10 female who was sexually assaulted. 11:54:21

11 Q. And after the briefing, then 11:54:24
12 what did you do? 11:54:34

13 MR. WAREHAM: Let the record 11:54:40
14 reflect that Mr. Dong from the District 11:54:42
15 Attorney's office is leaving and taking 11:54:44
16 the originals of the notes that he had 11:54:47
17 brought here, and that we have copies of 11:54:50
18 it. 11:54:53

19 MS. NELSON: And the notes are 11:54:54
20 from Detective Sheehan's notebook. 11:54:55

21 MR. WAREHAM: Right, from 11:54:58
22 Detective Sheehan's notebook. 11:54:59

23 MS. NELSON: Thank you. 11:55:02

24 MR. WAREHAM: Thank you. 11:55:05

25 MS. DAITZ: Thank you. 11:55:06

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P-APP000902

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1	(Mr. Dong left the hearing	11:55:06
2	room.)	11:55:10
3	Q. Did you -- let me -- was	11:55:10
4	Detective Hartigan at the briefing at the	11:55:15
5	20th Precinct?	11:55:20
6	A. I don't recall seeing him.	11:55:21
7	Q. Did you receive a copy of	11:55:23
8	Raymond Santana, Jr.'s. first statement?	11:55:28
9	A. Not at that time.	11:55:32
10	Q. When did you receive a copy?	11:55:33
11	A. Much later.	11:55:35
12	Q. Can you give me an approximate	11:55:36
13	time when you received the copy?	11:55:39
14	A. Just before I took, just before	11:55:40
15	I interviewed Raymond Santana, Jr.	11:55:44
16	Q. Around what time was that?	11:55:47
17	A. Approximately ten o'clock.	11:55:49
18	Q. And so you read the statement at	11:55:53
19	ten o'clock?	11:55:58
20	MS. DAITZ: Objection.	11:56:00
21	A. I can't give you an exact time	11:56:02
22	when I read the statement, but it was just	11:56:04
23	prior to me talking to Raymond.	11:56:08
24	Q. Ten minutes, five minutes?	11:56:12
25	A. I don't want to make an	11:56:16

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P-APP000903

1 approximation, sir. I'm not good at that, 11:56:18
2 I don't know. 11:56:21
3 Q. And how -- you read the 11:56:22
4 statement? 11:56:28
5 A. I read it, yes, sir. 11:56:29
6 Q. How many times did you read it? 11:56:31
7 A. I don't recall. I certainly 11:56:33
8 read it once. 11:56:37
9 Q. And shortly thereafter, you 11:56:37
10 began, you conducted an interview with 11:56:42
11 Raymond Santana, Jr.? 11:56:44
12 A. Yes, sir. 11:56:46
13 Q. Who was -- where was it 11:56:47
14 conducted? 11:56:53
15 A. The 20th Precinct youth room. 11:56:54
16 Q. And just back up. When you -- 11:56:57
17 when Mr. Santana, when Raymond Santana's 11:57:09
18 father returned to the precinct, you came 11:57:12
19 out and spoke with him? 11:57:15
20 A. Yes, sir. 11:57:16
21 Q. And what did you tell him about 11:57:16
22 why they were doing -- why you were having 11:57:21
23 -- why he needed to come there? 11:57:27
24 MS. DAITZ: Objection. 11:57:29
25 A. As I previously testified, I 11:57:31

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1 told Mr. Santana by telephone that I 11:57:34
2 wanted to interview his son, and I needed 11:57:38
3 him to be present. 11:57:42

4 Q. Did you indicate to him that you 11:57:44
5 had -- did you tell him that his son had 11:57:46
6 made a previous statement that implicated 11:57:54
7 himself in a serious crime? 11:57:57

8 MS. DAITZ: Objection. 11:57:59

9 A. I don't recall if I had that 11:58:00
10 conversation or not. 11:58:02

11 Q. Did you indicate that he wanted 11:58:12
12 to add additional information to a 11:58:14
13 statement that he had made at the Central 11:58:17
14 Park Precinct? 11:58:20

15 A. Again, I don't recall, I don't 11:58:20
16 recall that specific conversation that I 11:58:21
17 had with Mr. Santana. 11:58:23

18 Q. Do you remember testifying at a 11:58:25
19 suppression hearing in this case in 1989? 11:58:54
20 I think you testified to it yesterday. 11:59:00

21 A. If you're asking me if I 11:59:03
22 testified at a suppression hearing in 11:59:05
23 1989, yes, I did. 11:59:08

24 Q. Let me show you what is marked 11:59:09
25 Sheehan 34. It is, they are excerpted 11:59:15

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P-APP000905

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1 pages from the suppression hearing, 11:59:23
2 October 29, 1989. And I'll indicate the 11:59:26
3 pages I want you to look at. 11:59:35
4 MS. DAITZ: Thank you. 11:59:36
5 MR. WAREHAM: This isn't the 11:59:38
6 entire suppression hearing. 11:59:40
7 MS. DAITZ: Is it excerpts? 11:59:42
8 MR. WAREHAM: Of the suppression 11:59:43
9 hearing. 11:59:45
10 MS. DAITZ: But is it his full 11:59:45
11 testimony excerpted from the suppression 11:59:47
12 hearing or excerpts of his testimony? 11:59:50
13 MR. WAREHAM: Excerpts of his 11:59:52
14 testimony, right. 11:59:54
15 Q. And I would direct your 11:59:55
16 attention to the first page, 16 -- I'm 11:59:57
17 sorry, it's 34. 12:00:01
18 MS. DAITZ: 34. And which page 12:00:11
19 are you directing the witness to? 12:00:13
20 Q. 1688, I'm sorry. It actually 12:00:56
21 begins on 1687, the answer, the question, 12:01:09
22 the last question on 1687, and it 12:01:15
23 continues on 1688. Did you have a chance 12:01:19
24 to read it? 12:01:24
25 A. Pages 1687 and 1688? 12:01:28

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P-APP000906

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1 Q. Right, just the last question on 12:02:03
2 1687, did there come a time. 12:02:06
3 A. Yes. 12:02:09
4 Q. Having read it, does that 12:02:09
5 refresh your recollection around your 12:02:10
6 statement to -- your discussion with Mr. 12:02:13
7 Santana around his son having made a 12:02:15
8 statement and him having implicated 12:02:18
9 himself? 12:02:21
10 MS. DAITZ: Objection. 12:02:22
11 A. This is my testimony at the 12:02:22
12 time. I certainly had a better 12:02:25
13 recollection of events than I do now. 12:02:27
14 Q. Certainly. Let me just for the 12:02:29
15 record, the question is, did there come a 12:02:30
16 time when you left the briefing again, 12:02:31
17 this starts on 1687. 12:02:34
18 "ANSWER: Yes, I met with Mr. 12:02:36
19 Santana. He had now arrived back at the 12:02:38
20 station house. I advised him that we 12:02:41
21 wanted to take another statement from his 12:02:44
22 son, that he had made a statement already 12:02:46
23 and that he implicated he wanted to put 12:02:48
24 additional information into that 12:02:51
25 statement. We didn't want to do it 12:02:53

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P-APP000907

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1 without his father being present." 12:02:54

2 That was your testimony at the 12:02:56

3 time. Does that sound right to you? 12:02:58

4 A. This was my testimony at the 12:03:00

5 time and, like I just testified to, 12:03:02

6 obviously I had a better recollection when 12:03:06

7 I testified to this than I do today. 12:03:08

8 Q. Who was in the interview room 12:03:13

9 with you when you began your interview 12:03:15

10 with Mr., with Raymond Santana, Jr.? 12:03:18

11 A. Raymond Santana, Jr., Raymond 12:03:22

12 Santana, Sr., Detective August Jonza and 12:03:25

13 myself. 12:03:31

14 Q. And when you began your 12:03:31

15 questioning of, your interview of Raymond 12:03:47

16 Santana, Jr., do you remember telling him 12:03:53

17 that you, you know, he should just tell 12:03:55

18 you what happened, that you really knew 12:04:00

19 nothing about the case? 12:04:01

20 MS. DAITZ: Objection to form. 12:04:02

21 A. I don't recall those exact 12:04:03

22 words. 12:04:07

23 Q. Do you remember telling him 12:04:09

24 something to that effect, that you really 12:04:10

25 knew nothing so he should just tell you 12:04:12

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P-APP000908

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1	what happened?	12:04:16
2	A. Once again, I don't remember	12:04:16
3	that conversation.	12:04:18
4	Q. Let me, do you remember	12:04:19
5	testifying at the trial of Antron McCray	12:04:23
6	and Yusef Salaam and Raymond Santana in	12:04:30
7	1990?	12:04:36
8	A. I testified at two trials.	12:04:36
9	Q. Okay. Well, I'm talking about	12:04:40
10	the first trial.	12:04:42
11	MS. DAITZ: You need to give	12:04:47
12	verbal answers.	12:04:48
13	THE WITNESS: Sorry?	12:04:49
14	MS. DAITZ: You need to give	12:04:49
15	verbal answers.	12:04:51
16	A. Yes.	12:04:52
17	Q. This is marked Sheehan 35. This	12:04:52
18	is testimony of Mr. Sheehan on July 25th,	12:04:55
19	excerpts of testimony of Mr. Sheehan on	12:04:59
20	July 25, 1990, and I would direct you to	12:05:02
21	look at 3777.	12:05:05
22	MS. DAITZ: Do you want to just	12:05:14
23	give out the copies?	12:05:19
24	MR. WAREHAM: Yes.	12:05:21
25	MS. DAITZ: That has sticky	12:05:21

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P-APP000909

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1	notes on them.	12:05:24
2	MR. WAREHAM: Some more blank,	12:05:24
3	secret code.	12:05:27
4	MS. DAITZ: Thank you. For	12:05:30
5	record, Mr. Wareham, are these excerpts or	12:05:36
6	the full testimony?	12:05:41
7	MR. WAREHAM: These are	12:05:42
8	excerpts, these are not the full	12:05:43
9	testimony. We are trying to do our bit	12:05:45
10	for saving the trees.	12:05:48
11	MS. DAITZ: 35.	12:05:49
12	MR. WAREHAM: 3777.	12:05:50
13	MS. DAITZ: No, I mean Exhibit	12:05:52
14	number 35?	12:05:53
15	MR. WAREHAM: Exhibit number 35,	12:05:54
16	yes.	12:05:55
17	Q. But in particular, I'm sorry,	12:06:36
18	look at 3787, page 3787.	12:06:39
19	A. Yes.	12:06:47
20	Q. From the middle of the page,	12:06:48
21	from line 11 through 3788, line 6. I'm	12:06:50
22	sorry, through line 14, and let me know	12:07:09
23	when you're finished.	12:07:45
24	A. How far do you want me to go?	12:07:48
25	Q. To line 16.	12:07:51

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P-APP000910

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1	MS. DAITZ: On 3788?	12:07:58
2	Q. On 3788. Line 11 on 3787 to	12:08:00
3	line 16 on 3788.	12:08:07
4	A. Okay.	12:08:28
5	Q. If you just read from line 11,	12:08:29
6	3787. "QUESTION: When you started to	12:08:33
7	question Raymond, you indicated to Raymond	12:08:35
8	that you had no knowledge of this case; is	12:08:37
9	this correct?	12:08:37
10	"ANSWER: That's right.	12:08:39
11	"QUESTION: And you wanted to	12:08:40
12	hear from his own words exactly what he	12:08:42
13	knew about this case; is that correct?	12:08:45
14	"ANSWER: That's correct.	12:08:46
15	"Does that refresh your	12:08:47
16	recollection as to whether you used words	12:08:48
17	to that affect?	12:08:50
18	"ANSWER: Yeah.	12:08:52
19	"But you knew something about	12:08:53
20	the case -- "QUESTION: -- I'm sorry -- But	12:08:54
21	you knew something about the case?	12:08:54
22	"ANSWER: Right.	12:08:55
23	"QUESTION: You were lying to	12:08:56
24	Raymond; am I correct?	12:08:57
25	"ANSWER: I don't call it lying.	12:08:59

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P-APP000911

1 "QUESTION: You wanted to hear 12:09:02
2 about Raymond's own words? 12:09:04
3 "ANSWER: Right. 12:09:04
4 "QUESTION: You didn't want to 12:09:07
5 poison Raymond adding your own words; am I 12:09:09
6 correct? 12:09:12
7 "MS. LEDERER: Objection. 12:09:12
8 "THE COURT: I'll let him 12:09:14
9 answer. 12:09:16
10 "ANSWER: I asked Raymond 12:09:16
11 Santana what happened, tell me what 12:09:18
12 happened, I wasn't there. 12:09:20
13 "QUESTION: But you also told 12:09:21
14 him you knew nothing about the case; am I 12:09:22
15 correct? 12:09:25
16 "ANSWER: That's what I 12:09:25
17 testified to. I guess that's what I told 12:09:27
18 him. 12:09:29
19 "QUESTION: And you wanted to 12:09:29
20 hear it in his own words? 12:09:30
21 "ANSWER: Right." 12:09:32
22 Do you remember that testimony? 12:09:36
23 A. I don't remember that testimony, 12:09:38
24 but, I mean, it's here. 12:09:41
25 Q. So after you told Raymond 12:09:43

1 Santana, Jr. that you wanted him to say 12:09:49
2 what happened, what happened, did you read 12:09:56
3 him Miranda rights? 12:09:58
4 A. Yes, sir, I did. 12:10:00
5 Q. Did he indicate that he 12:10:02
6 understood them? 12:10:04
7 A. Yes, sir, he did. 12:10:05
8 Q. Was his father there? 12:10:06
9 A. His father was sitting right 12:10:08
10 next to him. 12:10:09
11 Q. Did his father indicate that he 12:10:10
12 understood? 12:10:12
13 A. Yes, sir. 12:10:12
14 Q. Did you tell, before you began 12:10:13
15 the interview, did you tell Raymond 12:10:16
16 Santana, Jr. he needed to just keep 12:10:20
17 telling his story so he could go home? 12:10:24
18 A. No, sir, I never said that to 12:10:27
19 Raymond Santana. 12:10:29
20 Q. You never led Raymond Santana to 12:10:30
21 believe that if he cooperated with you or 12:10:33
22 the police that he could go home? 12:10:35
23 A. I never said that to Raymond 12:10:38
24 Santana nor did I give him the impression. 12:10:41
25 Q. Did you hear any other officer 12:10:44

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1 or detective tell Raymond Santana, Jr. 12:10:49

2 that if he cooperated, he could go home? 12:10:52

3 A. No, sir, I did not. 12:10:55

4 Q. Did you tell Raymond Santana 12:10:56

5 that he needed to put himself in this 12:10:59

6 incident so that it would be believable? 12:11:04

7 A. No, sir, I never said that to 12:11:06

8 Raymond Santana. 12:11:09

9 Q. Did you tell him that he needed 12:11:10

10 to offer some more details to the first 12:11:12

11 statement so that it would be more 12:11:15

12 believable? 12:11:17

13 A. No, sir, I never said that to 12:11:18

14 Raymond Santana. 12:11:21

15 Q. Did you tell Raymond Santana 12:11:21

16 that if he did not cooperate, Jr., that if 12:11:26

17 he did not cooperate, he was going to jail 12:11:28

18 for the rape of Patricia Meili, of the 12:11:32

19 female jogger? 12:11:36

20 A. No, sir, I never said that to 12:11:36

21 Raymond Santana. 12:11:38

22 Q. Did you tell Raymond Santana, 12:11:39

23 Jr. that if the jogger died, he was going 12:11:41

24 to go to jail for life? 12:11:44

25 A. No, sir, I never said that to 12:11:46

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P-APP000914

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1 Raymond Santana. 12:11:48

2 Q. How did the interview begin 12:11:49

3 after you read him his Miranda warnings, 12:11:54

4 he signed the card? 12:11:57

5 A. I don't, to the best of my 12:12:00

6 recollection, there was no card to sign. 12:12:02

7 That was my, my own card that I carried in 12:12:04

8 my wallet. 12:12:08

9 I read him his Miranda warnings. 12:12:11

10 He answered in the affirmative after each 12:12:16

11 question. His father nodded to some, 12:12:20

12 answered to others. And then I asked 12:12:23

13 Raymond to tell me what happened. 12:12:30

14 Q. And so how did that -- you made 12:12:33

15 notes as he -- just tell us what happened. 12:12:37

16 A. Raymond, you know, where were 12:12:41

17 you, what time, you know, and tell us, 12:12:46

18 tell us here what happened, and he began 12:12:52

19 to tell a story. 12:12:55

20 Q. And in that story, he, did he 12:12:58

21 incorporate the two separate parts of the 12:13:02

22 Hartigan statement? 12:13:06

23 MS. DAITZ: Objection. 12:13:07

24 Q. Did he incorporate, the story 12:13:11

25 that Raymond Santana, Jr. told you 12:13:14

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P-APP000915

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1 incorporate the parts of the Hartigan 12:13:16
2 statement that were signed at 1640, at 12:13:19
3 4:40 p.m. and the parts that were signed 12:13:22
4 at 6:00 p.m.? 12:13:25

5 MS. DAITZ: Objection to form. 12:13:26

6 A. I mean, to the best of my 12:13:26
7 recollection, Raymond Santana told me a 12:13:28
8 version of the events. There may have 12:13:32
9 been some questions from me during his 12:13:37
10 narrative, and I don't remember sitting 12:13:40
11 here today whether or not he told me every 12:13:49
12 single detail in those two, as you 12:13:55
13 mentioned, statements from Hartigan. 12:13:59

14 Q. You said you read the Hartigan 12:14:05
15 statement once before you started the 12:14:08
16 interview? 12:14:10

17 A. Maybe I glanced at it a second 12:14:11
18 time, but I definitely read it once. 12:14:15

19 Q. And where was the statement when 12:14:17
20 you were interviewing Raymond, Jr.? 12:14:20

21 A. On the desk or the table in 12:14:22
22 front of me. 12:14:26

23 Q. And did you refer to it while 12:14:27
24 you were interviewing him? 12:14:29

25 A. No, I didn't. 12:14:31

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P-APP000916

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1 Q. Did Raymond, did you have it 12:14:32
2 there so that Raymond could refer to it 12:14:35
3 while he was telling you the story? 12:14:38
4 A. It wasn't in front of Raymond, 12:14:39
5 actually. 12:14:41
6 Q. Did he ask to look at it while 12:14:42
7 he was telling the story? 12:14:45
8 A. No, sir, he did not. 12:14:48
9 Q. Did -- you said -- were you 12:14:49
10 making notes when he was telling you this 12:15:08
11 story? 12:15:11
12 A. No, sir, I was asking questions. 12:15:11
13 I was letting him give a narrative. But 12:15:15
14 there were times in the narrative I may 12:15:18
15 have asked him, I may have asked a 12:15:20
16 qualifying question. 12:15:22
17 Q. And that was based upon, the 12:15:25
18 questions that you asked were based upon 12:15:29
19 the Hartigan statement? 12:15:31
20 A. No, sir. 12:15:33
21 Q. Did you, before you began the 12:15:33
22 interview, did you ask Raymond Santana, 12:15:37
23 Jr. what were the additional details that 12:15:40
24 he had told Detective Hartigan he wanted 12:15:42
25 to add to what he had already testified 12:15:45

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P-APP000917

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1 to? 12:15:49

2 MS. DAITZ: Objection to form. 12:15:50

3 A. What I told Raymond Santana, Jr. 12:15:51

4 was to tell me the truth about what 12:15:55

5 happened in Central Park the night before. 12:15:59

6 Q. How, what was the process by 12:16:07

7 which his statements to you got reduced to 12:16:15

8 writing? 12:16:16

9 MS. DAITZ: Objection. 12:16:17

10 Q. You didn't take notes, so how 12:16:20

11 did it get reduced to writing? 12:16:22

12 A. He gave a narrative. I had a 12:16:25

13 few questions. I don't recall if Jonza 12:16:27

14 had a few questions, perhaps he did. 12:16:30

15 There came a point in time, I 12:16:36

16 know I asked him is there anything else, 12:16:39

17 and Raymond said no, that's what happened. 12:16:43

18 I said okay, I'm now going to reduce this 12:16:49

19 to writing. 12:16:53

20 Q. Okay, and then what happened? 12:16:54

21 A. I, I'm not sure if I put the 12:16:56

22 heading on the page already. 12:17:05

23 Q. Okay. 12:17:10

24 A. I asked him to give me a 12:17:12

25 reference point and, like he did before 12:17:14

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P-APP000918

1 during the narrative, and I began to write 12:17:18
2 essentially what he had told me. 12:17:24

3 Q. And once you finished doing 12:17:26
4 that, did you question -- 12:17:28

5 MR. WAREHAM: Withdrawn. 12:17:30

6 Q. Once you finished writing it 12:17:31
7 down, what did you do? 12:17:35

8 A. After I finished writing the 12:17:37
9 statement? 12:17:42

10 Q. Once you finished writing the 12:17:42
11 statement, right, did you show it to him? 12:17:44

12 A. I read it to him first. 12:17:47

13 Q. Okay. Then did you give him a 12:17:49
14 copy, did you give him the statement to 12:17:56
15 read? 12:17:58

16 A. I read the statement to Raymond 12:17:58
17 and his father aloud, and I told Raymond, 12:18:00
18 if there's anything in here that is not 12:18:06
19 what happened or perhaps I made a mistake, 12:18:11
20 we can correct it. I read him the 12:18:15
21 statement. I then handed him the 12:18:18
22 statement to read. 12:18:21

23 Q. Okay, did he read it? 12:18:22

24 A. He certainly looked at it. I 12:18:24
25 don't know if he read it. But I, you 12:18:29

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1 know, it was given to him. 12:18:30

2 Q. And at that time, did you know 12:18:32

3 when Raymond had been arrested or had, had 12:18:35

4 first been arrested or detained? 12:18:39

5 A. I don't know anything about an 12:18:42

6 arrest. 12:18:45

7 Q. When he had first been detained 12:18:46

8 by the police? 12:18:49

9 A. I did not know the exact time, 12:18:50

10 no. 12:18:52

11 Q. But since that, after that you 12:18:52

12 found out that he had been detained from 12:18:54

13 when, when had he first been taken into 12:18:57

14 custody? 12:19:00

15 A. I don't recall, sir. 12:19:01

16 Q. Do you know whether it was the 12:19:02

17 night of April 19th? 12:19:04

18 A. Sitting here today, I honestly 12:19:05

19 don't recall whether it was the night of 12:19:09

20 April 19th or the early morning hours of 12:19:11

21 April 20th. I don't honestly recall. 12:19:13

22 Q. But by that point it had been 12:19:17

23 nearly 24 hours? 12:19:20

24 A. Excuse me? 12:19:21

25 Q. It had been nearly 24 hours by 12:19:22

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P-APP000920

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1 the time you interviewed him, it had been 12:19:25
2 nearly -- 12:19:28

3 A. As I just -- 12:19:28

4 MS. DAITZ: Let him finish the 12:19:29
5 question before you answer. 12:19:31

6 Q. It had been nearly 24 hours? 12:19:32

7 MS. DAITZ: Objection. 12:19:34

8 A. Twenty-four hours? 12:19:34

9 Q. From the time he had first been 12:19:35
10 detained by the police, came into police 12:19:37
11 custody. 12:19:40

12 A. As I just testified, I'm not 12:19:40
13 sure exactly what time he was picked up by 12:19:42
14 the police. 12:19:45

15 Q. And let me show you what has 12:19:45
16 been marked as Sheehan 40, which is -- 12:20:29

17 A. You have a thing on there. Got 12:20:35
18 it? 12:20:37

19 Q. Yep. 12:20:38

20 A. Okay. 12:20:42

21 MS. DAITZ: Thank you. This 12:20:46
22 document bears Bates stamped numbers 12:20:59
23 NYC019880 through 884. 12:21:02

24 Q. Would you look at that, and do 12:21:06
25 you recognize that as the copy of the 12:21:17

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P-APP000921

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1 statement that you wrote out on April 20, 12:21:20
2 1989 at approximately 2210 hours, 10:10 12:21:24
3 p.m.? 12:21:34

4 A. Yes, sir, it bears my signature. 12:21:34

5 Q. And was this a statement you 12:21:39
6 reviewed in preparation for this 12:22:18
7 deposition? 12:22:21

8 MS. DAITZ: I'm instructing the 12:22:21
9 witness not to answer. 12:22:22

10 Q. Are you familiar with this 12:22:26
11 statement? Do you need -- I'm going to 12:22:27
12 ask you a question about it. Do you need 12:22:30
13 to reread, do you need to read the 12:22:33
14 statement? 12:22:36

15 Let me ask the question. 12:22:37

16 A. Okay. 12:22:39

17 Q. Would it be fair to say -- 12:22:40

18 MR. WAREHAM: Withdrawn. 12:22:45

19 Q. In terms of Raymond Santana's 12:22:46
20 personal involvement in the alleged 12:22:57
21 involvement in the incidents that occurred 12:23:01
22 on April 19th, was there any significance 12:23:04
23 -- is there any difference -- 12:23:08

24 MR. WAREHAM: Excuse me, 12:23:12

25 withdrawn. 12:23:13

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P-APP000922

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1 Q. Are there new facts around 12:23:13
2 Raymond Santana, Jr.'s personal 12:23:22
3 involvement in the events of April 19th in 12:23:26
4 the statement he gave you that weren't in 12:23:29
5 the statement he gave Detective Hartigan? 12:23:33
6 MS. DAITZ: Objection to form. 12:23:36
7 A. To properly answer that 12:23:37
8 question, I would have to reread both 12:23:39
9 statements and compare them. 12:23:41
10 Q. Okay. You read the Hartigan 12:23:43
11 statement. Did you read the Hartigan 12:23:49
12 statement today? 12:23:52
13 A. Yes, sir. 12:23:52
14 Q. Okay. Then take the time to 12:23:53
15 read that. 12:23:59
16 A. Is the Hartigan statement here? 12:24:01
17 Q. The Hartigan statement? 12:24:05
18 MS. DAITZ: Here. 12:24:07
19 A. Yes, I have it. 12:24:08
20 MS. DAITZ: What number is on 12:24:09
21 that? 12:24:11
22 THE WITNESS: The Hartigan 12:24:11
23 statement is Sheehan 39. 12:24:13
24 Q. You know what, before you do 12:24:14
25 that, do you remember -- would you look at 12:24:16

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P-APP000923

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1 Exhibit 35, your testimony at the McCray, 12:24:26
2 Richardson -- I mean, the McCray, Salaam, 12:24:36
3 Santana trial on July 20, 1990, and I 12:24:40
4 refer you to page 3825, which is near the 12:24:52
5 end, to line 17 through line, through line 12:24:57
6 5 on 3827, I'm sorry. 12:25:52
7 A. To line what? 12:25:55
8 Q. To line 5 on 3827. 12:25:56
9 A. Okay. Okay. 12:26:01
10 Q. Just so we can speed this along, 12:26:17
11 on page 3825, line 17: 12:26:24
12 "QUESTION: Officer, referring 12:26:28
13 back to your statement and comparing that 12:26:31
14 to the Hartigan statement, and concerning 12:26:33
15 Raymond's personal involvement, am I 12:26:35
16 correct in stating, Officer, that there 12:26:38
17 are no new facts about Raymond's personal 12:26:40
18 involvement in the Sheehan statement that 12:26:43
19 are not reflected in the Hartigan 12:26:46
20 statement? We are talking about Raymond's 12:26:48
21 personal involvement. 12:26:51
22 "ANSWER: That's correct. 12:26:52
23 Next question: Is your answer 12:26:54
24 12:26:54
25 "ANSWER: That's correct. 12:26:56

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P-APP000924

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1 "QUESTION: The answer is that's 12:26:57
2 correct? 12:27:00
3 "ANSWER: Yes. 12:27:00
4 "QUESTION: There is no new 12:27:02
5 facts that are different; am I correct? 12:27:04
6 "ANSWER: Concerning his 12:27:06
7 personal involvement? 12:27:08
8 "QUESTION: Right. 12:27:09
9 "ANSWER: No more detail. 12:27:10
10 "QUESTION: He said he touched 12:27:12
11 her breasts in the Hartigan statement, 12:27:14
12 that adds no new facts to the Sheehan 12:27:16
13 statement? 12:27:20
14 "ANSWER: That's correct. 12:27:20
15 "QUESTION: There is one 12:27:22
16 difference, Officer, if you look at the 12:27:23
17 beginning of the statement with reference 12:27:24
18 to Raymond's personal involvement and the 12:27:26
19 fact that Raymond -- 12:27:28
20 "ANSWER: Which statement are 12:27:31
21 you referring to now? 12:27:31
22 "QUESTION: I will get to that 12:27:33
23 in a moment. The big difference is that 12:27:34
24 in the Sheehan statement, the fact that 12:27:36
25 you advised him of his constitutional 12:27:37

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P-APP000925

1 rights is reflected there, but in the 12:27:40
2 Hartigan statement, there is no mention of 12:27:42
3 that; am I correct? 12:27:43
4 "MS. LEDERER: Objection as to 12:27:44
5 form. 12:27:46
6 "THE COURT: I will sustain as 12:27:47
7 to form. 12:27:48
8 "QUESTION: Officer, is there a 12:27:50
9 mention of the fact in the Hartigan 12:27:51
10 statement that Raymond was advised of his 12:27:53
11 constitutional rights? 12:27:53
12 "ANSWER: No. 12:27:56
13 "QUESTION: Is there a statement 12:27:59
14 in the Sheehan statement that Raymond was 12:28:00
15 advised of his constitutional rights? 12:28:02
16 "ANSWER: Yes." 12:28:04
17 That was your testimony in 1990. 12:28:09
18 Do you have any reason to change that? 12:28:13
19 A. Like I said, the 1990, my 12:28:15
20 recollection of the facts was a lot better 12:28:20
21 than it certainly is today, it's a lot of 12:28:23
22 years later. 12:28:25
23 Q. So the additional details that 12:28:29
24 Detective Hartigan told you necessitated 12:28:36
25 taking another statement did not include 12:28:39

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1 any personal involvement by Raymond 12:28:40
2 Santana, Jr., according to your testimony 12:28:44
3 23 years ago? 12:28:48

4 MS. DAITZ: Objection to form. 12:28:49

5 A. According to what I just read of 12:28:50
6 my testimony, his personal involvement, 12:28:53
7 yes. However, I think I did say in here, 12:28:58
8 in fact I read it, that there was more 12:29:01
9 detail as to his personal involvement. 12:29:04
10 Line 9, page 3826. 12:29:10

11 Q. Right. And then you went to the 12:29:13
12 question and answer with -- and then the 12:29:36
13 response was, you said no more detail. 12:29:45

14 "QUESTION: He said he touched 12:29:49
15 her breasts and Hartigan said that that 12:29:51
16 adds no new facts in the Sheehan 12:29:52
17 statement. 12:29:54

18 "ANSWER: That's correct." 12:29:55

19 So I don't see how that speaks 12:29:56
20 to the -- it doesn't speak to the issue 12:30:04
21 of, that the rationale for -- that 12:30:08
22 Detective Hartigan told you that he needed 12:30:15
23 a new statement was, another statement was 12:30:17
24 that Raymond had additional details to 12:30:20
25 add. 12:30:23

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1 And, as it turns out, there were 12:30:23
2 no new additional details in terms of his 12:30:29
3 personal involvement. 12:30:35

4 MS. DAITZ: Objection to form. 12:30:35

5 A. You know, you're talking about 12:30:37
6 his personal involvement, and I'm telling 12:30:39
7 you, reading from my testimony, my answer 12:30:42
8 was concerning his personal involvement. 12:30:48

9 I asked the question of the 12:30:52
10 attorney, the attorney says right. I 12:30:54
11 answer no, more detail. So to answer your 12:30:57
12 question, there were more details in this 12:31:03
13 statement. 12:31:06

14 Q. And you said Detective Hartigan 12:31:10
15 didn't show up -- do you remember whether 12:31:20
16 Detective Hartigan showed up at the 20th 12:31:23
17 Precinct? 12:31:25

18 MS. DAITZ: Objection to form. 12:31:25

19 A. To the best of my recollection, 12:31:27
20 I don't believe he was there. Thinking 12:31:28
21 back on it sitting here now all these 12:31:31
22 years later, I believe Hartigan went off 12:31:34
23 duty and that was the reason that I was 12:31:37
24 given the assignment to interview Raymond 12:31:40
25 Santana. 12:31:45

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P-APP000928

1 Q. After you took the statement, 12:31:52
2 what did you do? Approximately what time 12:31:58
3 was it you finished interviewing -- how 12:32:03
4 long was the interview? 12:32:06

5 A. A little less than two hours, an 12:32:07
6 hour and 50 minutes. 12:32:12

7 MS. DAITZ: If you need to refer 12:32:14
8 to the document, just let Mr. Wareham know 12:32:15
9 that you're referring to the document for 12:32:19
10 the record. 12:32:20

11 Q. Is that what you're doing -- 12:32:20

12 A. Yes, sir. 12:32:23

13 Q. -- to refresh your recollection? 12:32:23

14 A. Yes, sir, I am. 12:32:25

15 MS. DAITZ: And the document 12:32:26
16 being his statement. 12:32:27

17 Q. The Sheehan statement. And how 12:32:28
18 much of that time was spent actually 12:32:30
19 writing up this statement? 12:32:33

20 A. As I sit here today, again, my 12:32:35
21 recollection, it's probably, if you divide 12:32:40
22 this in half, it's 50/50. 12:32:43

23 Q. And once you finished taking 12:32:46
24 that statement, what did you do? 12:32:49

25 A. I had, as I already testified, I 12:32:50

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1 had Raymond -- I read it aloud. I had 12:32:57
2 Raymond read it. I signed in the margin 12:33:02
3 of each page, and Raymond signed in the 12:33:10
4 margin of each page. 12:33:15

5 And at the completion, Raymond 12:33:17
6 signed his name, I signed my name, 12:33:21
7 witnessed by Raymond Santana, his father 12:33:25
8 signed, and Detective August Jonza signed. 12:33:29

9 Q. And once you had finished taking 12:33:34
10 the written statement, what did you tell 12:33:36
11 them, what was going to happen? Did 12:33:38
12 Raymond Santana, Jr. say okay, I've 12:33:44
13 cooperated, can I go home now? 12:33:49

14 A. No, he did not say that. 12:33:51

15 Q. So what happened? 12:33:56

16 A. I told Mr. Santana and Raymond, 12:33:57
17 we were going to go back upstairs to the 12:34:02
18 Detective Squad. That's what we did. 12:34:05

19 Q. And what was -- then what 12:34:14
20 happened? 12:34:19

21 A. In this time, in this time 12:34:19
22 period immediately following the 12:34:24
23 statement, while we were in the 20th 12:34:28
24 Squad, I was advised by someone, and I'm 12:34:33
25 not sure who, that the District Attorney's 12:34:38

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P-APP000930

1 office video unit was here, I guess at the 12:34:43
2 20th. 12:34:52

3 Q. And so that -- what did you tell 12:34:53
4 Mr. Santana, what did you tell Raymond 12:35:00
5 Santana? 12:35:02

6 A. Well, I learned that the 12:35:03
7 District Attorneys, the Assistant District 12:35:06
8 Attorney Elizabeth Lederer, wanted to take 12:35:09
9 a videotape statement of Raymond. 12:35:12

10 Q. You told him that? 12:35:16

11 A. Yes, sir. 12:35:18

12 Q. And what did he say? 12:35:18

13 A. I advised him that he would have 12:35:21
14 to stay because we needed him to be 12:35:24
15 present during that, and he agreed. 12:35:30

16 Q. Did he have a choice? 12:35:32

17 MS. DAITZ: Objection. 12:35:40

18 Q. Around doing the video 12:35:42
19 statement? 12:35:45

20 A. Did who have a choice? 12:35:45

21 Q. Did Raymond Santana, Jr. have a 12:35:47
22 choice in doing the video statement? 12:35:51

23 A. Certainly. 12:35:52

24 Q. But he could have refused to do 12:35:53
25 the video statement? 12:35:55

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1 A. That's correct. 12:35:57

2 Q. And did you tell him that this 12:35:57

3 will help, this will help you to go home 12:36:03

4 if you take the video, if you do the video 12:36:09

5 statement? 12:36:12

6 MS. DAITZ: Objection. 12:36:12

7 A. No, I never said that to 12:36:12

8 Raymond. 12:36:14

9 Q. And did any other member of the 12:36:15

10 service tell Raymond Santana, Jr. that he 12:36:20

11 should do the video statement, it will 12:36:24

12 help him so he can go home? 12:36:27

13 A. Certainly not in my presence, 12:36:29

14 no, sir. 12:36:31

15 Q. So you gave him a choice to do 12:36:31

16 the video statement and he said okay? 12:36:35

17 MS. DAITZ: Objection to form. 12:36:37

18 Q. He said I'll do it? 12:36:39

19 A. What I said is the District 12:36:41

20 Attorneys are here. They would like to 12:36:47

21 take your statement on videotape. And I 12:36:51

22 said this to both Raymond and his father, 12:36:55

23 and I advised his father that, you know, 12:36:59

24 obviously if they're going to take another 12:37:05

25 statement, they would want a parent to be 12:37:07

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P-APP000932

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1 Raymond Santana, Jr. and his father to 12:38:47
2 what was designated the youth room, and we 12:38:51
3 took a seat. 12:38:58

4 Q. Go on. Can you do a narrative 12:39:00
5 in terms of what happened? 12:39:04

6 MS. DAITZ: Objection to form. 12:39:05

7 A. At some point, I'm not sure 12:39:06
8 exactly what time, but after I arrived, 12:39:10
9 Assistant District Attorney Elizabeth 12:39:19
10 Lederer arrived at the 24th with a 12:39:21
11 videographer. And at some point, a 12:39:26
12 videotaped statement was taken. 12:39:36

13 Q. Were you present for that? 12:39:37

14 A. Yes, I was. 12:39:39

15 Q. Were you the arresting officer 12:39:41
16 in this? 12:39:44

17 A. No, sir. 12:39:44

18 Q. Who was the arresting officer? 12:39:45

19 A. I'm not sure who the arresting 12:39:46
20 officer was, but the case detective, the 12:39:49
21 person who in the vernacular of New York 12:39:51
22 City detectives at the time, the person 12:39:57
23 who caught the case was Detective Burt 12:39:59
24 Arroyo. 12:40:01

25 Q. Was he part of Manhattan North 12:40:02

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P-APP000934

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1	Homicide Squad?	12:40:06
2	A. Not at that time, no, sir.	12:40:07
3	Q. Was he present for the	12:40:09
4	interview?	12:40:11
5	A. Yes, he was.	12:40:12
6	MS. DAITZ: Objection, the	12:40:14
7	video.	12:40:15
8	Q. The video interview?	12:40:16
9	A. The video interview, yes, sir.	12:40:17
10	Q. He was not present when you took	12:40:20
11	the statement at the 20th Precinct?	12:40:22
12	A. No, the only detective present	12:40:24
13	when I took the written statement at the	12:40:26
14	20th Precinct was Detective August Jonza.	12:40:29
15	Q. Is that a customary procedure	12:40:32
16	for a detective who didn't, for the	12:40:39
17	detective who didn't catch the case to be	12:40:44
18	present at the video interview?	12:40:46
19	MS. DAITZ: Objection to form.	12:40:48
20	A. I don't know about the	12:40:49
21	characterization as being a customary	12:40:52
22	procedure. I'm not sure exactly what you	12:40:54
23	mean.	12:40:55
24	Q. Had you done video interviews	12:40:56
25	before?	12:41:00

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P-APP000935

1 statement to Elizabeth Lederer, Assistant 12:42:24
2 DA. 12:42:29
3 Q. Fifteen minutes, a half an hour? 12:42:29
4 A. I don't want to make an 12:42:32
5 assumption. It was shortly thereafter, 12:42:34
6 and I'm not exactly sure. 12:42:37
7 Q. Was he wearing the clothes at 12:42:38
8 the time? 12:42:42
9 A. The clothes that Raymond Santana 12:42:42
10 was wearing when I interviewed him were 12:42:44
11 the same clothes that he was wearing 12:42:47
12 during his videotaped interview with the 12:42:48
13 Assistant DA. Those were the clothes that 12:42:51
14 he was wearing when we did the second 12:42:55
15 videotape. 12:42:57
16 Q. And once that was complete, what 12:42:58
17 did you do? 12:43:00
18 A. Detective Jonza and I escorted 12:43:01
19 Raymond Santana, Jr. and Raymond Santana, 12:43:13
20 Sr. in an unmarked car to Raymond's 12:43:19
21 residence on [REDACTED] 12:43:25
22 Q. Can you describe what happened? 12:43:28
23 Did anything happen on the way there? 12:43:32
24 A. Yes, sir. On the way to [REDACTED] 12:43:34
25 [REDACTED] I drove east on 100th Street 12:43:43

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1 from the 24th Precinct to Central Park 12:43:50

2 West. 12:43:55

3 I entered Central Park at 100th 12:43:56

4 Street to the West Drive. I veered to the 12:44:00

5 left, slightly to the left, and again to 12:44:06

6 the right, and I drove onto the, what was 12:44:10

7 known to us in the police department as 12:44:14

8 the 102nd Street Cross Path. 12:44:16

9 Q. And why did you go there? 12:44:23

10 A. I had been told, and I'm not 12:44:27

11 sure when, but this was the, this was the 12:44:31

12 area of the, somewhere on this path was 12:44:34

13 the area of the attack on the female 12:44:39

14 jogger. 12:44:44

15 Q. And was that the area that 12:44:46

16 Raymond Santana, Jr. had indicated in his 12:44:52

17 statement to Hartigan? 12:44:56

18 A. I don't recall that, sir. I 12:45:00

19 don't recall. 12:45:05

20 Q. Was that the statement that 12:45:05

21 Raymond Santana, Jr. had indicated to you 12:45:06

22 in the statement that he made to you? 12:45:09

23 MS. DAITZ: Objection to form. 12:45:11

24 A. Once again, I don't recall 12:45:12

25 whether that was indicated specifically in 12:45:17

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